

PUBLIC SAFETY & PUBLIC INFORMATION COMMITTEE

Of the Suffolk County Legislature

Minutes

A regular meeting of the Public Safety & Public Information Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, on **May 31, 2005**.

Members Present:

Legislator Angie Carpenter • Chairperson

Legislator Pete O'Leary • Vice•Chair

Legislator Michael Caracciolo

Legislator Daniel Losquadro

Legislator David Bishop

Legislator William Lindsay

Legislator Lynne Nowick

Members Not Present:

Legislator Elie Mystal • Excused

Also In Attendance:

Legislator Vivian Vilorio•Fisher • District # 5

Mea Knapp • Counsel to the Legislature

Alexandra Sullivan • Chief Deputy Clerk/Suffolk County Legislature

Doug Sutherland • Aide to Legislator Carpenter.

Nicole Wachter • Aide to Presiding Officer Caracappa

Frank Tassone • Aide to Majority Caucus

Maria Ammiratti • Aide to Legislator O'Leary

Paul Perillie • Aide to Minority Caucus

Kevin LaValle • Aide to Legislator Losquadro

Ed Hogan • Aide to Legislator Nowick

Carl Yellon • Aide to Legislator Kennedy

Kara Hahn • Aide to Legislator Vilorio • Fisher
Travis Grilli • Intern to Legislator Vilorio • Fisher
Alicia Howard • Aide to Legislator Montano
Jim Maggio • Budget Analyst/Budget Review Office
Ben Zwirn • Assistant County Executive
Brian Beedenbender • County Executive Assistant
Jacqueline Caputi • County Attorney's Office
Robert Kearon • Bureau Chief/District Attorney's Office
Aristedes Mojica • Inspector/Chief of Department's Office/SCPD
Frank Stallone • Deputy Inspector/SCPD • Detective Division
Kerri Smithers • Detective • Special Victim Section/SCPD
Dave Cole • Detective Lieutenant/SCPD • Vehicle & Theft Section
Matt Jones • SCPD/E • 911 Coordinator
Henry Bishop • Lieutenant/SCPD • Highway Patrol
Thomas Blomberg • Lieutenant/SCPD • 5th Precinct
Tom Muratore • Vice • President/Police Benevolent Association
Artie Cliff • President/Superior Officer's Association
Jerry Gilmore • Vice • President/Superior Officer's Association
Robert Fagerlund • 4th Precinct Trustee/Superior Officer's Association
Ray Griffin • Vice • President/Suffolk County Detective's Association
Bill Plant • 2nd Vice • President/Suffolk County Detective's Association
Bill Small • 4th Precinct Trustee/Police Benevolent Association
Dan Sicilian • 2nd Vice • President/Association of Municipal Employees
Vincent DeMarco • President/Deputy Sheriff's Benevolent Association
John Desmond • Director/Suffolk County Probation Department
Joe Williams • Commissioner/Fire, Rescue & Emergency Services
Robert Donnelly • Director of Information Services
Ray Gantasz • Project Leader/Information Services
Debbie Eppel • Public Information Office
Douglas Death • Suffolk County's STOP DWI/Chair • SC Traffic Safety Board
Maria Perez • Lent • Suffolk County's STOP DWI
Myrna Gordon • Suffolk County Bill of Rights Defense Campaign
Dotty Klein • Suffolk County Bill of Rights Defense Campaign
Jim Lynch • Suffolk County Bill of Rights Defense Campaign

Pam Burris • Suffolk County Bill of Rights Defense Campaign
Paul Hart • Suffolk County Bill of Rights Defense Campaign.
Mark Klein • Suffolk County Bill of Rights Defense Campaign.
Kevin McCoy • Chair/SC Library Association Intellectual Freedom Comm.
Carolyn McQuade • Resident of Northport
Catherine Hoak • Suffolk County League of Women Voters
All Other Interested Parties

Minutes Taken By:

Alison Mahoney • Court Stenographer

(*The meeting was called to order at 11:47 A.M. *)

CHAIRPERSON CARPENTER:

We will start the Public Safety & Public Information Committee. I would ask everyone to please rise for the Pledge of Allegiance to be led by Legislator Nowick.

Salutation

Thank you. We have a number of cards this morning so I think we're going to begin with the cards. I have no formal presentations listed on the agenda. And the first speaker is William Small, if you would please come up. Everyone has three minutes to address the committee. And if you want, you can just come sit at the table, a little less formal in the committees.

Ms. Clerk, for the record, we have one excused absence; Legislator Mystal is not able to be here today. Go ahead.

MR. SMALL:

I would like to thank the Public Safety Committee for ••

CHAIRPERSON CARPENTER:

Excuse me. If you would just, into the microphone, identify yourself. Make sure it's on, the switch is on the top.

MS. MAHONEY:

It's on, just speak into the microphone.

MR. SMALL:

Bill Small, I'm the 4th Precinct Trustee from the Suffolk County PBA. I would like to begin by thanking the committee for the time this morning and affording me this opportunity to talk.

I'm here to request your assistance to ensure and accelerate the time line for consideration and construction for a new 4th Precinct. I'm joined here this morning by representatives from the Detectives and Superior Officers Association, along with AME, and we're looking just for your help.

The 4th Precinct was constructed over 30 years ago, as most of you already know. The building's been in operation in excess of 30 years uninterrupted, 24 hours a day, seven days a week, 365 days a year; to my knowledge it's never closed. In addition to the police officers and civilians that work at the precinct, the public frequently visits the building and, quite frankly, are dumbfounded by its deteriorating condition. There for a multitude of reasons, in addition to those arrested, are fingerprints, Cub Scout/Girl Scout tours on the weekends, so on and so forth.

At my request, several of you have visited the precinct and personally viewed it's deteriorating condition. I would just like to maybe go over a few of the things that are wrong with the building. In addition to the severe space limitations, we control the temperature of the building by opening and closing the front door to the precinct, both in the winter and in the summer. The air•conditioning condensing unit located outside the building has an oscillating sprinkler that operates 24 hours a day, seven days week, June through September, that's to cool the condensing unit down so it can cool the building. That's supplemented by multiple through•the•wall air•conditioning units. It's an antiquated system, it's old, it's not efficient. In addition to that sprinkler, when it oscillates back and forth 24 hours a day, it forms a small pond around the electrical box that controls the electric to the building, the power to the building. Last summer we attempted to install several air•conditioning units in both the Inspectors, the Deputy Inspectors and the secretaries offices but were unable to do so because of a power shortage, it blows the fuses.

I'll go on; there's no handicapped entrance to the building, the main entrance utilized by the

public. We have multiple rat traps strategically placed around the building perimeter, multiple instances of exposed wirings throughout the precinct. The men's room, the ladies room and the precinct lockup facilities are deplorable, the plumbing is constantly in need of repair, inadequate venting, it's dirty. The metal railing to the precinct entrance in the rear is rusted through, it's unsafe. We have crumbling steps, leaky roof. Very few of the building windows open without the assistance of pliers.

CHAIRPERSON CARPENTER:

Could you repeat what you just said about the windows?

MR. SMALL:

The windows don't open, most of them don't open, they have no cranks, we use pliers. We keep the pliers at the desk, they're up at the desk, when you need to open the window you go and get the pliers, or you have one universal crank that's throughout the building. They just don't open, they're just old.

We have •• the tiles on floor are worn through right to the concrete. I don't know anybody who's seen anything quite like it, it's throughout the building, multiple offices. Think about the wear and tear that's needed to wear down a floor tile, they're worn completely through.

It's a non•secure facility, the parking lot is not secure. It's not too bad a situation during the day when there's Detectives in the building, when Crime Control is in the building, but late at night, virtually anybody has total access to the lot. One problem that's constant, not just in the 4th Precinct but basically all of the precincts and probably a lot of County buildings, that we have a building that operates 24•hours a day, seven days a week and the maintenance and the cleaning consists of, at most, two to three hours a day, Monday through Friday.

I know I went quickly and I just skimmed over some things. I have some photographs here for you, I would like you to take a look at them, I have others. I would like to personally invite each of you down to the building for a tour if you like, I'll be happy to show you around. I know that the committee has multiple budget concerns, I'm just looking for your help, we're all just looking for your help. We do a good job and we're just looking for some •• the tools to do our job better.

CHAIRPERSON CARPENTER:

Thank you very much, Mr. Small, for coming down, and if you could share those photos.

LEG. VILORIA • FISHER:

(Inaudible).

CHAIRPERSON CARPENTER:

Legislator Fisher has joined us today, she's not a member of the committee. The 4th Precinct, they're just bringing to our attention the conditions of the precinct, we're trying to expedite the project that has kind of languished for a while. And I would urge that anyone who has not already done so, I know Legislator Nowick has, Legislator Kennedy, to really tour the precinct. It is an eye•opener and it really is a testament to the men and women that have been extraordinarily patient throughout this whole endeavor, that they're able to still come to work, do their jobs in a professional manner because this building is anything but. Next speaker is Greg Griffith •• Greg Griffin, I'm sorry.

MR. GRIFFIN:

Thank you and good morning. My name is Ray Griffin, I'm the 1st Vice•President of the Suffolk Detective's Association. And likewise, I would like to thank all of you for allowing us a moment of your time to express our concern of the conditions that our members are working under. This morning myself and the 2nd Vice•President of the Suffolk Detectives, Bill Plant, went over to the 4th Squad, the 4th Precinct area where the Detectives are assigned and the first thing that strikes you as you walk into their main entrance is that you must walk around a cone, a highway cone because the stairs are crumbling causing an extreme safety hazard just to get into the building. Once inside, as Bill Small had mentioned, the same conditions appear to occur in the squad room as they do throughout the precinct where pliers are required to open and close windows. The members of our association went out and purchased their own air •conditioners in order to keep the heat down. They said right now the building, since the building heat is still on, it fluctuates between 75 and 80 degrees at all times.

When the air•conditioners are on, since they're portables they're very noisy so they wind up turning them off so they can hear the phone conversation when they're speaking to the public, which they do very often. Inside also are two interview rooms, which is obviously very important to the Detective Division. One of those rooms must be shared with the Detectives as their only lunch room. So if there's interrogations going on, more than one, they cannot use

the facility and then they have to clean•up the facility in order to have their lunch.

Again, everything else that Mr. Small had mentioned is the same throughout the squad. The unkempt nature of the building, the collapsing of walls, not the walls but fixtures on the walls and the holes in the floors. And we would just hope that we could use your help in moving the project forward. Our concern is that many of our members are hearing rumors, they are only rumors hopefully, that this project, the 4th Precinct project, is being put on years delay and we hope that's not true and we hope that you can help us with this endeavor. Thank you very much for your time.

CHAIRPERSON CARPENTER:

Thank you very much, Mr. Griffin. Next speaker, Tom Muratore.

MR. MURATORE:

Good morning, Ladies and Gentlemen of the committee. My name is Tom Muratore and I'm the Vice•President of the Suffolk County PBA.

Bill Small and Ray Griffin have said most everything. It's a despicable place to work there, I'm sure •• as was told to some of the members of the committee who have been there and saw firsthand what's going on. I think it's about time that County government on both sides, whether it be over in the Dennison Building or here, we begin to work together to take care of this problem.

I'm sure there are other ways to do this, as we see as the illustrious President of the Nassau County PBA is looking to take care of one of his precincts, he's going public with all kinds of air quality tests and talking about asbestos and everything like that. And I'm sure that, you know, we can do that also, but Jeff hasn't decided to do that yet, to go public with this. Maybe we can take care of it here in the Legislature and get some people in government to work together.

I'm sure there are violations of all kinds of codes there, the fire codes, as you'll see from the pictures. There's got to be a Fire Inspector in Smithtown that can come and look at that. There's got to be HazMat Code violations there, there's got to be Department of Health violations there, there's got to be OSHA rule violations there. I know if a civilian gets hurt there, we have a •• I'm sure Jeff would offer the assistance of our legal firm to offer counseling for them if they decide to get involved in a legal suit, because everyone has been advised of the

problems that are going on there.

You know, as Nike says, why don't we just do this project? It's been around for a while, you got done with the 6th, you did a great job out there. I know there's talk of all kinds of plans that need to be done, but you have plans from the 6th Precinct. Why can't you just, you know, use the same footprint and just put it right over there. There might be some environmental studies but, again, everything is put on the back burner. People's lives are at stake here. You know, who knows down the road, 10 or 15 years from now, what they're going to come down with, and they're going to be able to blame the precinct? Of course not, because we have to work there. As police officers and employees of Suffolk County, we can't even sue. If I fall over there and break my leg on a bad step, I can't sue the County because you can't sue your employer.

So it's about time, I think, that this body works together, which I know you can. I've been coming here for 17 years, this is the first I've ever spoken before this group but, you know, I know what I great group it is. And hopefully we can get some people together and get this done for the members of the 4th Precinct and for the citizens. I mean, it's deplorable how people have to go see how money is spent, how County money is spent over there. You bring in a bunch of Girl Scouts or Boy Scouts, imagine what they're thinking.

And another thing we have to look at, too, over there, part of the problem and part of the big problem is maintenance. I mean, I don't know that they have a regular maintenance person there. What does it take to hire a janitorial person? Does it take a lot in this County, you're going to pay them a lot of money? Can we get some people hired to clean the place? I know our contract says we do not do custodial duties, but you know what, we've got cops that wash the floors over there and change the light bulbs and do like this, because this is their home. You work in a nice place, a nice clean place, you have a clean restroom, you have a place that your garbage can is emptied out every day; the ladies and gentlemen over at the 4th Precinct don't have that and I think the responsibility falls here.

So I thank you for your time and hopefully we can get this done. Again, thank you.

CHAIRPERSON CARPENTER:

Thank you very much, Tom. Next speaker, Robert Fagerlund.

MR. FAGERLUND:

My name is Robert Fagerlund, I work over at the 4th Precinct. I'm a supervisor on midnights and I'm also the SOA Trustee representing the Superior Officers in the precinct. I would like to thank the ladies and gentlemen of the committee and I would like to thank you for allowing me to speak referencing the urgent need for quickly moving ahead with the planning and construction of a new 4th Precinct.

Bill Small really touched on the major issues, I'm sure you've seen personally, referenced to the precinct. Not to reiterate those facts, there's a few other items I would like to bring up. This past winter the fire department was called to the building reference fumes throughout. I personally noticed this happened more than once and I know the oil burner is in constant need of repair. Also, another main problem is the water drainage and sewage system that repeatedly clog up and leak and from time to time we have had various insects breeding within these drains. We have sewer flies coming out of the shower drains which end up flying around the building and they get into the cafeteria. And something even more disgusting, the one water fountain we have, which no one would dare use, had worms emerging out of the drain.

I work midnights and the lighting is substandard, it flickers on and off. Numerous times we've had the public walk up to the back door just looking for the front entrance which isn't clearly labeled or marked. The building is really antiquated and very crowded. There is no conference room; when we have a staff meeting, it's usually held down in the cafeteria which is very hot and cramped. And again, the air ventilation system in the building, air flow is directed by placing pieces of cardboard, either closing or opening, within the vents, which to my knowledge haven't been cleaned in numerous years, you can see the mold and dust all over the vents.

My main concern is that this project be put in the forefront and expedited cause the building really is outdated. Thank you for your time.

CHAIRPERSON CARPENTER:

Thank you very much. And I know that a number of us, myself and Legislator O'Leary are both on the Public Works Committee which follows this committee meeting. So if any of you want to stay on to raise that issue in that committee, it probably would be helpful, but when the

Commissioner is there certainly you can count on us to ask him what the time frame is and to impress upon them that this really needs to be fast•tracked.

MR. FAGERLUND:

Thank you.

CHAIRPERSON CARPENTER:

Thank you. Next speaker, Dan Sicilian.

MR. SICILIAN:

Good morning. My name is Dan Sicilian, I'm the 2nd Vice•President and the Occupational Safety Health Officer for the Suffolk County Association of Municipal Employees.

Most issues have already been addressed by the representatives from the SOA, the PBA and the SDA. Just one issue I would like to touch on is the substantial emerging indoor air quality issues that you do have at the 4th Precinct due to the mold and the poor HVAC system in effect there. I brought with me pictures to give to the Legislators here today and to possibly share with the others that this system needs to be replaced in its entirety, and I believe that the abatement project would be more cost effective to move to a new precinct than to consider an abatement project considering that the level that the system and the building is at now. Otherwise, everything has pretty much been addressed by the others.

CHAIRPERSON CARPENTER:

Thank you very much for coming down, Dan. Next speaker, Kevin McCoy.

MR. McCOY:

Hello. My name is Kevin McCoy, I'm here to support Sense Resolution 031 and to support the Bill of Rights. I'm currently serving as Chair of the Suffolk County Library Association's Intellectual Freedom Committee and we're very disturbed about the impact paper that the Patriot Act and the Patriot Act culture has had on libraries.

By now I'm sure you've heard the debate over whether Section 215 of the Patriot Act has been applied to libraries. I can tell you without a doubt, yes. Retired Attorney General John Ashcroft revealed this in a press conference last spring, a soon to be released survey by the American

Library Association will confirm these visits.

What's even more alarming is the number of visits by Federal Law Enforcement Agents to libraries not using Section 215. The amount of visits have increased dramatically. The latest case was in Deming, Washington where the FBI requested a list of every patron that checked out the book of a biography of Osama bin Laden.

At this point you're probably asking yourself, "What does FBI visits to the libraries have to do with the Suffolk County Legislature?" I know you're very sensitive about Sense Resolutions. As we saw with immigration, the deputization of local police, Federal issues do have a way of working down to the local level. In fact, the Suffolk County Police Officers have started to visit public libraries under a program called Operation Safeguard. They are asking librarians to report patrons that were visiting suspicious websites or for not producing valid personal documents when using library resources.

Programs like Operation Safeguard are a threat to our basic civil liberties and would have a chilling effect to our rights of free speech and assembling. They might also be in violation of New York Civil Practice Law 4509 which prohibits the disclosing of patron library records to anyone but the patron or by court order. A Sense Resolution by this body would be an affirmation that we do not have to give up basic civil liberties to be secure and that we should have the ability to go to our library to become informed without having to worry about government surveillance. The Suffolk County Library Association is a proud sponsor of the Bill of Rights Campaign and we urge you guys to pass this resolution. Thank you.

CHAIRPERSON CARPENTER:

Thank you. Next speaker, Myrna Gordon.

MS. GORDON:

Members of the Suffolk County Legislature, my name is Myrna Gordon and I'm a resident of Port Jefferson, a retired Sachem school teacher. I taught at-risk students for many, many years and right now I feel that we are also a nation at risk.

It is time for Suffolk County to join Huntington and other communities across New York State in passing the Suffolk County Bill of Rights Resolution. This resolution opposes unconstitutional provisions of the Patriot Act and affirms Suffolk's commitment to uphold the civil rights and

liberties of its residents. One of the dire results of the current situation is that the civil liberties we hold so dear are systematically being stripped away by the Federal government. Our leaders seem to be obsessed with the misguided notion that secrecy and the removal of any and all dissent or free speech is a requirement for our survival as a nation. To make matters even worse, there are elected officials throughout the country who are afraid to take a stand about this particular resolution for fear of being branded unAmerican, dangerous or traders. I ask this body to please help pass this resolution. Thank you very much for your time.

CHAIRPERSON CARPENTER:

Thank you. Next speaker, Pam Burris.

MS. BURRIS:

Thank you very much for the opportunity to be here. My name is Pam Burris, I'm working with the Suffolk County Bill of Rights Defense Campaign and we are working to join the seven states of Alaska, Colorado, Hawaii, Idaho, Maine, Montana, Vermont, plus nearly 400 communities, to pass a resolution against certain sections of the Patriot Act that we feel impinge upon the civil rights of everybody in this country. We urge you to pass this resolution here in Suffolk County that declares that we, as a proud and a diverse community, value the freedoms guaranteed by our Constitution. We urge that you maintain your own independence as a governing body and signal to the State of New York the same, to honor the laws and not let the Federal government override us.

I have here petitions with 2,267 signatures that have signed the following; "We the people undersigned Suffolk County residents assert that there is no conflict between maintaining our freedoms as we fight terrorism. We, therefore, urge Suffolk County Legislature to affirmatively defend civil liberties by assuring that local police and other agencies do not aid Federal officials in any way that would require violating our laws or the Constitution. Specifically, we ask our Legislators to ensure that police and other agencies refrain from engaging in racial profiling, secret detentions, monitoring political or religious meetings, warrantless searches, electronic surveillance, spying on neighbors and amassing databases of personal information. We ask that police and other agencies report to the County when Federal officials make such requests." Once again, I have petitions from 2,267 people that have signed that statement. Thank you very, very much.

CHAIRPERSON CARPENTER:

Thank you.

LEG. VILORIA • FISHER:

Thank you, Pam.

CHAIRPERSON CARPENTER:

Next speaker, Paul Hart.

MR. HART:

Good morning. My name is Paul Hart, I live in Stony Brook and I am also speaking in support of special resolution S•031. I would like to emphasize that I believe improvements have to be made in our national security, port security would be one prime example. However, I do have some serious concerns with the Patriot Act, and even more so the upcoming Patriot Act II which is being discussed right today in the U.S. Senate.

Well, two examples that I just came up with off the top of my head why I think that the Patriot Act was an overreaction were specifically an immediate member of my family is a prosecutor for the New York City DA's Office and he happened to prosecute _El Sayed Nosir_ who assassinated _Maya Kahana_ . Back then •• this is prior to the first World Trade Center bombing, he told the FBI, "Watch out, this guy is up to something"; he was ignored. Another thing that the FBI basically dropped the ball on was the whistle blowers who reported that people were taking flight instructions and they were basically told to get lost. So I really think that we could have prevented 9/11 without the Patriot Act.

And the Patriot Act, as far as my impression of it, it was an overreaction, it was passed six weeks after 9/11 by a Congress that really was most of the time wasn't in session because of anthrax scares. And how they could have got •• I downloaded the Patriot Act today, it's 324 pages; how anyone could have written up 324 pages under these circumstances is just unbelievable. And again, I emphasize that yes, we do have to take steps to protect our country, but I think this is really a threat to our Constitution. Thank you.

LEG. VILORIA • FISHER:

Thank you for coming.

CHAIRPERSON CARPENTER:

Thank you, Mr. Hart. Next speaker, Marc Klein.

MR. KLEIN:

I'm Marc Klein ••

LEG. LOSQUADRO:

I don't think your microphone is on.

MR. BARTON:

Do you mind sitting here?

MR. KLEIN:

I'm Marc Klein, a Suffolk resident for over 40 years, father of four.

I would like to share some words I used when I introduced Jeff _Fogel_ at Sunday service to the Congregation of the Unitarian Universalist Church of Huntington. Jeff _Fogel_ is the Director of the Center for Constitutional Rights which brought the case in which the Supreme Court of the United States ruled on June 28th, 2004, that the hundreds of men held in Guantanamo over two•and•a•half years were entitled to challenge their detention. The case was in response to a November, 2001, Executive Order authorizing indefinite detention without due process, an order in violation of both the U.S. Constitution and International Law.

To the congregation that morning, I said, "We're going on a spiritual and archeological dig of a culture that is buried yet paradoxically is all about us. We will bear witness as we reveal the plight of real human beings." This morning we'll probe the Patriotic Culture named after the Patriot Act, Public Law 107•56 and a series of Executive Orders. It would be a betrayal of our American heritage if we remain silent and did not confront the patriot culture, a culture which advocates and practices culvert invasions of privacy, indefinite detention without charges of criminality or terrorism, incarceration without trial, sensory depravation, solitary confinement, short shackling, denial of access to counsel, secret hearings, the attacking of legitimate dissent as hysteria and/or disloyalty, and the creation of new categories of criminality. This list of horrors is by no means exhausted.

Let it be clear that confronting and unearthing the Patriot Culture and its mentality is both an act of patriotism and spirituality. The unearthing is an act of faith, it is a belief that we can successfully challenge wrongs against human beings and erect a truly democratic culture while being both safe and free. If this is to be done, it requires us to oppose the accumulation and use of unchecked power. History has repeatedly taught us that unchecked power is not to be tolerated and that we must uphold the humanity of others or we risk the degradation of our ••

CHAIRPERSON CARPENTER:

Please sum up.

MR. KLEIN:

Excuse me?

CHAIRPERSON CARPENTER:

Please sum up.

MR. KLEIN:

Okay. Unfortunately, the Patriot Culture has been with us before, always under the pretense of fighting for freedom while whittling freedom away. We've had shameful incidents of the _palmer raids_ during the Wilson Administration and the Japanese Internment during World War II. The Patriot Culture is non•partisan, these were both democratic administrations at the time. It's time to say enough, the Patriot Culture is unAmerican, we will defend our civil liberties and human rights in every state, county, city, village and here in our wonderful Suffolk. Thank you.

CHAIRPERSON CARPENTER:

Thank you. Next speaker Douglas Death?

MR. DEATH:

Good afternoon. Douglas Death with Suffolk County Stop DWI and current Chair of the Suffolk County Traffic Safety Board. Before the committee is a resolution to reappointment several members, actually the entire Traffic Safety Board, and I was asked just to stop by and make myself available if you had any questions or anything you needed to discuss regarding that.

CHAIRPERSON CARPENTER:

Since there are so many •• and I appreciate you coming down. Since there are so many appointments, really we felt it wasn't necessary to bring them all down today, they're all volunteers. My question would be are they all participating, everyone that we're being asked to appoint today is actually participating.

MR. DEATH:

Yes, most of them have been participating for several years and have been active. In the Traffic Safety Board this year alone we have \$850,000 in grants that were just sent last week to the Governor's Traffic Safety Committee through the Traffic Safety Board, so it's an extremely important group of people that bring that money into the County.

CHAIRPERSON CARPENTER:

Okay. Thank you very much. Does anyone have any questions?

All right, thank you.

MR. DEATH:

Thank you.

CHAIRPERSON CARPENTER:

The final speaker, Carolyn McQuade.

MS. McQUADE:

Good afternoon, Ladies and Gentlemen of the committee. My name is Carolyn McQuade, I'm a resident of Northport and I'm speaking on the Sense Resolution against the Patriot Act. I'm going to briefly read a very short section from \ Arin Donte Void \, an Ordinary Person's Guide to Empire:

"Patrolling the borders of our liberty is the only way we can guard against the snatching away of our freedoms. All over the world today freedoms are being curbed in the name of protecting freedom. Once freedoms are surrendered by civil society, they cannot be retrieved without a struggle; it is so much easier to relinquish them than to recover them. It is important to remember that our freedoms, such as they are, were never given to us by any government, they have been rested by us. If we do not use them, if we do not test them from time to time, they atrophy. If we do not guard them constantly they will be taken away from us. If we do not

demand more and more, we will be left with less and less."

I'm glad this gathering falls on the day after Memorial Day. It is very important when we have a patriotic holiday to remember that we are the world's first democracy. Being first bestows on us a special burden. It is our job as citizens, and especially for those who are chosen as public officials, to remember all those who have given their lives to preserve our U.S. Constitution. All elected officials are sworn to uphold this document. I urge you, on behalf of the Suffolk Bill of Rights Defense Campaign, to pass a Sense Resolution against the Patriot Act in an effort to recessitate the document that separates us from our so-called enemies. I ask each of you to review the United States Constitution and see if you agree that the Federal Patriot Act violates our rights as U.S. citizens. I believe if you take the time to do this, you will agree with our campaign and pass a Sense Resolution in opposition to various provisions of the Patriot Act. Thank you for your attention.

CHAIRPERSON CARPENTER:

Thank you. Okay, that is it for the cards. We have a public hearing, ***IR 1583***. Mr. Clerk?

MR. BARTON:

I have the affidavit.

CHAIRPERSON CARPENTER:

Okay, the hearing is ***Adopting Local Law, strengthening the procedures and remedies of the Suffolk County Human Rights Commission***. I have no cards. I do believe that the Commissioner of Human Rights did want to come speak to this, so I'm going to make a motion to recess.

LEG. LINDSAY:

Is she here?

CHAIRPERSON CARPENTER:

No, not able to be. So I'm going to recess this to the full meeting of the Legislature on the 7th. All in favor? Opposed? ***The hearing is recessed.***

That takes us to the agenda.

TABLED RESOLUTIONS

IR 2059•04 • To prevent misuse of Volunteer Ambulance Service in Suffolk County (Bishop).

LEG. BISHOP:

It's been stricken.

CHAIRPERSON CARPENTER:

It's been stricken? Okay, I'm sorry, ***that has been stricken.***

LEG. BISHOP:

Let the record show that it was stricken because of opposition of the County Attorney's Office.

CHAIRPERSON CARPENTER:

Okay.

IR 1281•05, there has been an amended copy changing the title, it is different from what appears on the agenda, "***To establish a Safe Communities Initiative Task Force to study the expanded use of Security Camera Systems to deter crime and assist law enforcement efforts in high crime areas (Cooper).*** So rather than a pilot program, this is just to establish a task force. We have a motion by Legislator Lindsay.

Is there a second?

LEG. LINDSAY:

Are you going to second your fellow democrat's resolution, Dave?

LEG. BISHOP:

Motion to table.

CHAIRPERSON CARPENTER:

We have a motion to table.

LEG. O'LEARY:

Second.

CHAIRPERSON CARPENTER:

Second, motion and a second to table. All those in favor? Opposed?

LEG. LINDSAY:

Opposed.

CHAIRPERSON CARPENTER:

The resolution is tabled (VOTE: 6•1•0•1 Opposed: Legislator Lindsay • Not Present: Legislator Mystal).

1285•05 • Adopting Local Law No. 2005, a Local Law to amend Article II of Chapter 270 of the Suffolk County Code to provide further protections under the "Crack House Law" (Cooper).

LEG. BISHOP:

Motion to table.

CHAIRPERSON CARPENTER:

Motion to table, second. All in favor? Opposed? ***The resolution is tabled (VOTE: 7•0•0•1 • Not Present: Legislator Mystal).***

IR 1304•05 • Accepting and appropriating 100% Federal grant funds awarded by the U.S. Department of Justice under the FFY2004 Local Law Enforcement Block Grant to the Suffolk County Departments of Police, Probation, Economic Development and Workforce Housing and Youth Bureau (County Executive). This has been tabled a number of times, there's been some concern expressed about the fact that this grant actually should be going to the Sheriff's Department. I see that Counsel is at the table; are you here to speak on this resolution?

MS. CAPUTI:

Yes, I'd like to, please, Deputy Presiding Officer.

CHAIRPERSON CARPENTER:

All right, go ahead.

MS. CAPUTI:

I wanted to state on the record ••

CHAIRPERSON CARPENTER:

Just identify yourself for the record, please.

MS. CAPUTI:

Yes, sure; Jacklyn Caputi, County Attorney's Office. I heard you say at the last committee meeting that there was some issue whether the funding could be transferred to the Department of Economic Development. The Law Department did review the situation and it's our opinion that there's no restriction or prohibition against transferring the grant funds to the Department of Economic Development. The Charter does give the Department of Economic Development authority of the management and control of the airport. And in addition, I reviewed the Local Law Enforcement Block Grant Guidelines, that's where this money came from, and I couldn't find anything in the guidelines that would impose a restriction on what's proposed to be done here.

CHAIRPERSON CARPENTER:

The department •• did the Department of Economic Development apply for this grant?

MS. CAPUTI:

No, they did not, but it's not •• that's not determinative of the issue, in my opinion, you know, based on reading over the guidelines. Because the money •• the purposes that were stated in the application for what the money is going to be used for are identical to what was, you know, requested.

CHAIRPERSON CARPENTER:

And what exactly are the monies going to be used for?

MS. CAPUTI:

Equipment, one is a GPS system and others are •• I could tell you exactly what it is, hold on a minute. It's security things for the airport, global positioning system.

CHAIRPERSON CARPENTER:

Oh, these are security issues for the airport.

MS. CAPUTI:

Yeah, security items.

CHAIRPERSON CARPENTER:

So is the department taking care of the security issues at the airport, are they providing security?

MS. CAPUTI:

They're in the midst of ••

CHAIRPERSON CARPENTER:

The Department of Economic Development is providing security at the airport.

MS. CAPUTI:

They are empowered to do that and they are in the midst of taking steps to do that, is my understanding.

CHAIRPERSON CARPENTER:

Okay. Is there someone here from the County Exec's Office as to why they felt that the original person that applied for this grant, that the Sheriff's Department or Sheriff's Office, why they feel that they need to transfer it to the Department of Economic Development?

MS. CAPUTI:

I believe Mr. Zwirn is here, I can see if he can be located to answer your question.

CHAIRPERSON CARPENTER:

Oh, okay, here he comes. Mr. Zwirn, this is on 1304, the grant that was applied for by the Sheriff's Office for security at the airport for GPS and some other security devices that the resolution now is requesting us to transfer to the Department of Economic Development and I'm asking why you feel the need to have this transferred to Economic Development.

MR. ZWIRN:

I think in part because Economic Development oversees the airport out there, it's in their •• the Department of Aviation is in there. And they also felt I think it was more cost effective to have somebody instead of having •• using police personnel or law enforcement personnel in the sense that we can use a civilian, civilianize that position, as long as the person was able to carry a weapon. Because there are different rules, I don't know if Jackie has gotten into it but I know it depends on the type of airport that you have. You have an airport like at McArthur where you have large •• it's a commuter airport where you have a large general public use of it, the law enforcement personnel at the airport need to be able to effectuate warrants, they have to have different qualifications than at an airport like Gabreski.

CHAIRPERSON CARPENTER:

Which is now going being patrolled by whom security-wise?

MR. ZWIRN:

I think it's Deputy Sheriffs.

CHAIRPERSON CARPENTER:

The Deputy Sheriffs.

MR. ZWIRN:

Right. So they just thought that it would be more cost effective to be able to do it through a Civil Service title which exists for airport security.

CHAIRPERSON CARPENTER:

I know we had heard earlier in the Finance Committee when the issue of civilianization was raised that a lot of the positions that had hoped to be civilianized, in fact, there were no Civil Service titles for so that you're bumping against some complications. And I for one think that in the interest of public safety and security at an airport, that I know much attention is beginning to be paid to expanding the use of the airport, that at this juncture to not continue to supply the tools with those that are providing the security. But I'm going to ask for the Sheriff's Office to come up. Did you have anything else that you wanted to say about it.

MR. ZWIRN:

No.

CHAIRPERSON CARPENTER:

Okay.

MR. ZWIRN:

Thank you.

CHAIRPERSON CARPENTER:

Thank you. If you would, Undersheriff Sullivan.

UNDERSHERIFF SULLIVAN:

Good afternoon.

CHAIRPERSON CARPENTER:

Perhaps you can give us a little bit of the background of this grant and where we're at here.

UNDERSHERIFF SULLIVAN:

First of all, this entire portion of the grant is less than \$16,000, to put this into perspective, of a grant that I think was ten times or more than that in total, the bulk of which were going to other uses in the Police Department and the Probation Department. We put this part of the grant together. Captain Logrande in our office worked on this through CJCC, researched the equipment, came up with the needs analysis, it was vetted through the various committees and came here.

We have a process problem. The first time we found out we weren't included in this grant is the first time we read this resolution and found out that that small portion of this grant was going to Economic Development. We never got a phone call, we never got any kind of notice, we never had a conversation about what this money was for and how it would be used, it was just gone. There is •• there are legal problems here, and I don't mean Department of Justice legal problems with Federal grant money because I think it can be legally transferred, I believe up to 15%, but my recollection is there has to be notice to DOJ.

There are other legal problems here. This Legislature last year in their budget resolutions

required that the County, when they file their security plan for Gabreski Airport, comply with the recommendations of TSA, Federal TSA. The recommendations of TSA, which I have here at length, but in short order require a police officer. You have to be able to arrest with and without warrants, you have to have deadly physical force, training, you have to be armed, you have to be in uniform; in New York that definition means police officer. The only police officers that are and have been at Gabreski Airport are Suffolk County Deputy Sheriffs. The proposal last year to replace them with public security guards of some sort quite frankly has not come to fruition. To my knowledge, there are non hired, there are non in training and they would, in my opinion, be illegal to take over all of the security aspects at Gabreski.

We have policy problems with this. I have supplied to a couple of members of this committee, but it's an unclassified report which was first reported in the New York Times about three months ago, which indicates that the next level of fear is directed towards general aviation airports now that commercial aviation airports have been so effectively hardened against terrorist infiltration. The suggestions in that FBI report practically say Gabreski when you read the description of what they're concerned about. The notion that this 5,000 acre airport out in the middle of the woods which is unoccupied at night should not have a police presence to us in the Sheriff's office is very foolish. We believe it's required by Local Law from the amendment that you passed last year. We know from conversations with TSA local representation, representatives rather, they absolutely oppose not having police officers at a sizeable general aviation airport like Gabreski Airport.

These items, \$15,000 worth of items which is •• the issue I raise is a larger issue than the amount of dollars that is before us right now. We're talking about a portable photo ID system which we can also use as part of the law enforcement response groups anywhere, a Flight 800 incident, the U.S. Open last summer, we can credential on the spot anywhere various people who come in to a site. At Gabreski it would be used to segregate who can go into what portions of that airport and quickly identify who are you and why are you here and are you supposed to be here; that's under \$10,000. A GPS system •• so on this very large campus, it's over 5,000 acres and it's out in the middle of the woods, it's not Republic Airport with True Bell on its campus. At night you are out in the Pine Barrens. A GPS system so the Deputies can isolate and identify many, many spots at the airport and quickly respond to them one to the other, a

set of night vision goggles and some _bolards_, movable security barriers to put around the fuel depots, that's \$15,000.

We're the ones that asked for this equipment, we're the ones that designed the grant, we're the ones that joined in the grant process to get it granted. We believe it's only legal for us to use it because we believe either us or other police officers will have to remain at Gabreski airfield, we believe it's foolish to give it to anyone else and there is no security force in place other than us at this time. We would request that this resolution be reworked and presented and that we receive the equipment that we applied for in the first place.

CHAIRPERSON CARPENTER:

Thank you very much, you really have helped clarify the situation. Legislator O'Leary.

LEG. O'LEARY:

Yeah, I'd have to agree with your assessment that a law enforcement presence at most airports is a necessity in today's day and age. If I understand your statement correctly, Undersheriff, the monies that were to be appropriated as a result of the grant submitted by the Sheriff's Department has been diverted to Economic Development and Workforce Housing, is that ••

UNDERSHERIFF SULLIVAN:

Well, the only way we know that is by reading the resolution; the resolution now talks about Economic Development, not us.

LEG. O'LEARY:

Okay.

UNDERSHERIFF SULLIVAN:

As it was conceived and planned and applied for, it was the Police Department, the Probation Department and the Sheriff's Office.

LEG. O'LEARY:

Yeah. Well, I'm going to look into the feasibility of submitting a separate, distinct resolution addressing just that very issue.

LEG. LINDSAY:

Madam Chair?

LEG. O'LEARY:

The backup material that we have indicates that the grants total almost 127,000, but ••

UNDERSHERIFF SULLIVAN:

That's right.

LEG. O'LEARY:

•• there's another forty thousand, three hundred and somewhat dollars that would have to be appropriated as well as part of this initiative, that's not in the '05 budget. So I would ask BR, if that's the case, what would be the offset for the 40,000 that's mentioned in the backup, with respect to this particular initiative.

MR. MAGGIO:

The other \$40,000 that are in the grant, it's indicated in the resolution that the money is included in the 2005 Operating Budget.

LEG. O'LEARY:

It is included?

MR. MAGGIO:

Yes, it is.

LEG. O'LEARY:

All right, that's contrary to information that I have received. But at any rate, just so you're aware, Undersheriff, I'm considering doing just that and I would move to table this particular resolution later on in the meeting.

LEG. CARACCILO:

Second.

CHAIRPERSON CARPENTER:

Okay.

UNDERSHERIFF SULLIVAN:

Madam Chair?

CHAIRPERSON CARPENTER:

Yes?

UNDERSHERIFF SULLIVAN:

With your permission, may I read a paragraph from the declassified FBI report into the record?

CHAIRPERSON CARPENTER:

Certainly.

UNDERSHERIFF SULLIVAN:

This is a now unclassified version of an Office of Homeland Security, an FBI report published in February of this year, at page 16; "The largely unregulated general aviation sector presents an area of potential concern for exploitation by terrorists. Intelligence indicates the terrorists associated with the International Radical _Jihad_ Movement, including Al Qaida operatives, may have discussed plans to use general aviation and charter aircraft in terrorist attacks. Terrorists may find use of such aircraft attractive because of their availability and destructive potential. Terrorists may also be attracted by the relative lack of protective measures surrounding general aviation and charter aircraft as opposed to the enhanced security environment surrounding commercial airliners since September 11th. Terrorists may only need an established line of credit to gain access to a charter aircraft, and some companies allow unsupervised flights by customer pilots. Moreover, use of small aircraft would eliminate the need to control large numbers of passengers, perhaps allowing smaller numbers of operatives to carry out individual operations. As security measures improve at large commercial airports, terrorists may choose to rent or steel general aviation aircraft housed at small airports with little or less or no security."

We think we need police officers at Gabreski airfield.

CHAIRPERSON CARPENTER:

Thank you. Legislator Lindsay. I'm sorry, Legislator O'Leary, are you done?

LEG. O'LEARY:

Yes.

CHAIRPERSON CARPENTER:

Okay, Legislator Lindsay.

LEG. LINDSAY:

Yeah, just to express my frustration with this issue. The Federal government wants to give us money to buy equipment, they don't want to decide who is going to patrol the thing and we're arguing over whether to accept money to buy equipment.

UNDERSHERIFF SULLIVAN:

That's right.

LEG. LINDSAY:

And who gets the money. And I would really like the argument to just be settled so we can take some of the Federal government's money and buy the equipment that we have a deadly need.

CHAIRPERSON CARPENTER:

I appreciate your comments, Legislator Lindsay. And I was going to suggest, Legislator O'Leary I believe is going to be sponsoring a resolution to pull out that portion that really is more appropriate to go to the Sheriff's Department. And I would urge the County Attorney's Office to contact Legislative Counsel and work together so that you can get a corrected resolution for the remaining monies that is represented that goes to the Police Department and Probation and whomever else and it was interesting, as you were speaking and reciting what had transpired, the Commissioner of Probation was nodding his head in agreement. So I think we're all in agreement, we want to get this moved forward quickly.

LEG. O'LEARY:

If I may just comment.

CHAIRPERSON CARPENTER:

Certainly, Legislator O'Leary.

LEG. O'LEARY:

Just a follow•up to Legislator Lindsay's comment regarding the equipment. I totally agree and concur, I believe this equipment should go to the proper authorities and the proper authorities in my mind are police personnel, not civilian security guards as would occur if it were the Economic Development and Workforce Housing monies were forwarded. So I agree, yes we need the equipment, but the equipment should be in the proper hands and the proper hands, in my opinion, are police personnel, not civilians.

CHAIRPERSON CARPENTER:

Thank you. Again, I would just urge everyone involved in getting the resolutions drafted to do it in an expeditious manner so that we can have these before us in two weeks ••

UNDERSHERIFF SULLIVAN:

Thank you.

CHAIRPERSON CARPENTER:

•• at our next committee meeting and take care of it before we break for the July break. IR 1324 ••

LEG. LINDSAY:

Did you call the vote?

CHAIRPERSON CARPENTER:

There was a motion and a second to table. All in favor? Opposed?

The resolution is tabled (VOTE: 7•0•0•1 • Not Present: Legislator Mystal). Thank you.

IR 1324•05 • Establishing a County policy for use of foot patrols and bicycle patrols in Huntington Village (Binder). I have talked to the sponsor, I think he's making some changes on this. So I have a motion to table, second by Legislator O'Leary. All in favor? Opposed? ***The resolution is tabled (VOTE: 7•0•0•1 Not Present: Legislator Mystal).***

IR 1327•05 • Adopting Local Law No. 2005, a Local Law establishing responsible standards and controls for alarm systems that require Police Department response

(Cooper).

LEG. BISHOP:

Motion to table.

CHAIRPERSON CARPENTER:

Motion to table.

LEG. O'LEARY:

Second.

CHAIRPERSON CARPENTER:

Second. All those in favor? Opposed? ***The resolution is tabled
(VOTE: 7•0•0•1 Not Present: Legislator Mystal).***

***IR 1350•05 • A Local Law No. 2005, a Local Law to increase the membership of the
Criminal Justice Coordinating Council to include a representative of the Suffolk County
Bar Association (County Executive).***

LEG. BISHOP:

Motion to approve.

CHAIRPERSON CARPENTER:

Motion to approve by Legislator Bishop. Is there a second?

LEG. LINDSAY:

Second.

CHAIRPERSON CARPENTER:

Second by Legislator Lindsay.

LEG. O'LEARY:

On the motion.

CHAIRPERSON CARPENTER:

On the motion, Legislator O'Leary.

LEG. O'LEARY:

To Counsel, who makes the appointment of the member of the Suffolk County Bar Association to the Criminal Justice Coordinating Council?

I don't think the Bar Association is going to make the appointment.

MS. KNAPP:

No, I don't think it is either, but let me check.

LEG. NOWICK:

A recommendation or the appointment?

LEG. O'LEARY:

Would the appointment be made by the County Executive?

LEG. CARACCILO:

It's in his office.

LEG. O'LEARY:

Yeah, right.

MS. KNAPP:

I'm sorry, but to answer that question I'm afraid I'm going to have to go back to the original section of the code. This Local Law simply adds an additional member to the Criminal Justice Coordinating Council, so if you give me a minute, I'll pull from that section of the code and tell you.

LEG. BISHOP:

I think it's the County Executive.

LEG. LINDSAY:

Let's skip it.

LEG. BISHOP:

The County Executive appoints the members to the CJCC.

LEG. O'LEARY:

Does the County Executive appoint all members of the Criminal Justice Coordinating Council?

LEG. BISHOP:

Except for the ones that come from the Legislature.

LEG. O'LEARY:

Well, that's my question; where is this coming from, from the County Executive's Office or Legislature?

LEG. BISHOP:

County Executive

CHAIRPERSON CARPENTER:

Well, the assumption would be that since he's putting forth this resolution to add someone as his appointment ••

LEG. O'LEARY:

Yeah, right, you would assume.

CHAIRPERSON CARPENTER:

•• I doubt he's sending it over for us to appoint. Is there anyone here from the County Exec's Office who could answer this, since it's their resolution?

MR. ZWIRN:

I'll defer to Counsel, but I would ••

LEG. BISHOP:

Behind you, behind you.

CHAIRPERSON CARPENTER:

John Desmond from Probation; John, you have an answer?

DIRECTOR DESMOND:

I'm also the Chairperson of the CJCC. The County Exec appoints, the normal procedure is a recommendation is made from the organization and the County Executive appoints.

CHAIRPERSON CARPENTER:

Thank you.

LEG. O'LEARY:

Thank you.

CHAIRPERSON CARPENTER:

John, while you're up there, I just want to mention that I think by now we've all received copies of the report that the subcommittee to the CFRAC group put together under your chairmanship and a lot of hard work has gone into it. And perhaps at the next committee meeting you can come and make a brief presentation on it.

DIRECTOR DESMOND:

It would be my pleasure.

CHAIRPERSON CARPENTER:

Thank you.

LEG. BISHOP:

Thank you.

CHAIRPERSON CARPENTER:

Sure, Counsel?

MS. KNAPP:

You know, I'm sure that that has been the history of it. Interestingly enough, the legislation is not absolutely clear except that it does say that the Chairman shall be designated by the County Executive from among the members, he shall designate the •• he shall direct the work

of the council and be its Chief Executive Officer. The Criminal Justice Coordinating Council says there shall be in the Office of the County Executive a Criminal Justice Coordinating Council, so I suppose it flows from the fact that it is attached to the County Executive's Office.

LEG. O'LEARY:

Does the County Legislature have any say with respect to the appointments to CJCC?

MS. KNAPP:

The Presiding Officer is a member of the Council.

LEG. O'LEARY:

Uh•huh.

MS. KNAPP:

As is the Chairman of the Public Safety Committee.

LEG. CARACCILOLO:

When was the last time the committee met?

LEG. BISHOP:

Last week. Mr. Desmond, ask Mr. Desmond.

MS. KNAPP:

There is one other •• just before Mr. Desmond answers the question, and I don't know when it last met. There are two citizens, at least one of whom must be a resident of a high crime area, who are appointed by the County Executive with the approval of the County Legislature, and another member is the supervisor of a town which is not within the Police District which is designated by the County Executive subject to the approval of the Legislature, as is the Mayor of a village which operates a municipal Police District. There are several •• there are many, many members here, some of which are specifically to be appointed by the County Executive subject to the approval of the Legislature.

LEG. CARACCILOLO:

Madam Chair?

CHAIRPERSON CARPENTER:

Yes. Legislator Caracciolo.

LEG. CARACCIOLO:

Thank you. Mr. Desmond, could you tell us a little bit about the Coordinating Council, the frequency of meetings and how many members there are and if there are any vacancies.

DIRECTOR DESMOND:

Okay. The CJCC normally meets on a quarterly basis. In addition to the committee as a whole, there's a number of subcommittees and task forces, those meet, depending on the situation, much more frequently. The ones that have been focusing on jail overcrowding, some of them have been meeting as much as twice a week, so it's a real variable.

In answer to your question about vacants •• well, members, there's about 30 members on the CJCC including some Judges. The current vacancies, I believe that we have a vacancy for a Mayor and we have a vacancy for a civilian.

LEG. CARACCIOLO:

Okay, thank you.

CHAIRPERSON CARPENTER:

Thank you. And Mr. Desmond, perhaps you can get an updated list of the members, I know I have one because I serve on it, but maybe you can get an updated list and distribute it to the members of the public safety committee.

DIRECTOR DESMOND:

It would be my pleasure.

CHAIRPERSON CARPENTER:

Thank you.

Okay, we have a motion and a second to approve 1350. Is there any other discussion on this? All those in favor? Opposed? ***The resolution is approved (VOTE: 7•0•0•1 Not Present:***

Legislator Mystal).

IR 1372 was adopted at the General Meeting.

INTRODUCTORY RESOLUTIONS

That takes us to Introductory Resolutions, **1441•05 • Establishing a County webpage for Children's Camp Safety Inspection Reports (Carpenter).**

LEG. BISHOP:

Motion.

CHAIRPERSON CARPENTER:

Motion by Legislator Bishop, second by myself. On the motion, is there a question? Okay. All those in favor? Opposed? **The resolution is approved (VOTE: 7•0•0•1 Not Present: Legislator Mystal).**

IR 1464•05 • Accepting a donation of equipment and services from A+ technology Solutions, Inc. (Carpenter). I'll make that motion.

LEG. O'LEARY:

Second.

CHAIRPERSON CARPENTER:

Second by Legislator O'Leary. All those in favor? Opposed?

The resolution is approved (VOTE: 7•0•0•1 Not Present: Legislator Mystal).

IR 1492•05 • Approving the appointment of Marshal Schwartz to the Suffolk County Citizens Corp. Council (County Executive).

LEG. LOSQUADRO:

Motion.

LEG. BISHOP:

What is that?

CHAIRPERSON CARPENTER:

Mr. Williams has informed me that the County Executive only notified this gentleman on Thursday, he's away on vacation so he will be coming to the next committee meeting. So we'll have a motion ••

LEG. BISHOP:

What is the body that he's being approved to, what does it do?

CHAIRPERSON CARPENTER:

Citizens Corps. Council, the CERT group.

LEG. LINDSAY:

So are we tabling this one?

CHAIRPERSON CARPENTER:

Yeah, we're going to table this and he'll be at the next committee meeting.

LEG. BISHOP:

Who are they, who are the Citizens Corps. Council?

CHAIRPERSON CARPENTER:

Pardon me?

LEG. BISHOP:

Who are they, who are the Citizens Corps. Council?

CHAIRPERSON CARPENTER:

Do you want a report on it? I could ask Commissioner Williams to come up, or do you want to wait till the next meeting?

LEG. BISHOP:

I just wanted Counsel to tell me what they are, if she knows.

CHAIRPERSON CARPENTER:

Okay.

LEG. BISHOP:

I don't recall them in my 13 years.

CHAIRPERSON CARPENTER:

They're fairly new.

MS. KNAPP:

It's a really new group.

LEG. BISHOP:

Oh, okay.

MS. KNAPP:

Yeah, it was just approved early this year or late last year. It's a group that coordinates FRES activities throughout the County, basically I think is the simplest way to put it.

LEG. BISHOP:

It's a FRES advisory board?

CHAIRPERSON CARPENTER:

No, it's actually •• I think that these are people in the community who in the case of an emergency would be the ones that know who to contact to try to mobilize a community; correct?

LEG. CARACCILO:

Yep.

CHAIRPERSON CARPENTER:

The Reader's Digest version of it. Okay.

LEG. BISHOP:

It needs a better name.

CHAIRPERSON CARPENTER:

So we have a motion and a second. All those in favor of tabling?

The resolution is tabled (VOTE: 7•0•0•1 Not Present: Legislator Mystal).

1493•05 • Transferring Federal Asset Forfeiture monies from the District Attorney's Office to refund police overtime (County Executive). I think there may be some questions on this one.

LEG. O'LEARY:

Yes, there is.

CHAIRPERSON CARPENTER:

Legislator O'Leary.

LEG. O'LEARY:

Yes. Is there a representative from the District Attorney's Office here? Mr. Kearon.

MR. KEARON:

Mr. O'Leary.

CHAIRPERSON CARPENTER:

Please take a seat.

MR. KEARON:

Good afternoon. My name is Robert Kearon, I'm the Division Chief with the District Attorney's Office. I understand that the Police Department has a bit of a different take on this resolution than we do.

What this is all about is Tom Spota is desirous of returning some monies to the General Fund from our Federal Asset Forfeiture Funds that we've acquired. As you know, we have many Detectives assigned to us from the Police Department and they have been doing work in a variety of areas, white collar organized crime and also with our political corruption cases. As a result of their efforts, a lot of overtime has been expended and in 2004 the overtime allotted to the Detectives in our office was exceeded by approximately \$300,000. Much of the work done

by these Detectives, though, also generates Asset Forfeiture Funding that we receive from the Federal government. So as a result of these excessive costs in overtime, we contacted the Justice Department representative who oversees our Asset Forfeitures and we asked can we return some of the money to the General Fund because the overtime budget that was allotted to these Detectives was exceeded, and we were told yes.

We were told, however, that in order to do this, we had to transfer our Asset Forfeiture money to the Police Department and in turn then the Police Department could reimburse the General Fund because these Detectives were not employees of our office, they were employees of the Police Department. So we sat down with the Budget Office and the County Executive's Office and this is the resolution that was drafted by the Budget Office.

LEG. O'LEARY:

There was testimony given in the previous committee, Budget & Finance, by Chief McElhone regarding the restricted use of Asset Forfeiture. Moneys and if I take it out of context, what he stated was that those monies could not be used, in his opinion, with respect to overtime for general purposes, they would have to be directed to specific programs or new initiatives on the part of the department or the District Attorney's Office. I know that there's some guidelines with respect to the disbursement of these moneys obtained through Asset Forfeiture; are you familiar with those guidelines?

MR. KEARON:

Generally, yes. We were advised that because there was a specific budgetary allotment internally within the Police Department for the overtime, projected overtime costs of the Detectives assigned to our office, and because those budgeted overtime funds were exceeded in the amount of almost \$300,000, at that point in time we were able or entitled to transfer Asset Forfeiture Funds to the County as a reimbursement for these excessively spent overtime funds.

LEG. O'LEARY:

Yeah. So, I mean, there are budgeted monies for purposes of overtime within the PD and as it's incurred, whether it be in the District Attorney's Office or within the PD itself, those employees are compensated for the overtime as per the budgeted amount, that's where it comes from. But if it's my •• is it my understanding that the purpose of this transfer of Asset Forfeiture monies from the District Attorney's Office to the PD as an offset, if you will, for the overtime

incurred in the DA's Office with the police personnel assigned there?

MR. KEARON:

Yes. But we •• the Justice Department told us that we could not transfer the moneys directly to the County itself, we had to transfer the monies to the Police Department's Federal Asset Forfeiture account ••

LEG. BISHOP:

He did it with the Justice Department.

MR. KEARON:

•• because of the relationship of the Detectives who are not our employees but they are assigned to us and they work at our direction. And as a result of their working in our direction, there was a lot of overtime that was spent, none of all which was budgeted in the Police Department overtime budget for 2004. But once that was exceeded, that gave us the opportunity to give money to the County in this indirect form.

LEG. O'LEARY:

All right. So generally speaking then, what is your understanding of the guidelines for the use, disbursement of Asset Forfeiture monies?

MR. KEARON:

All right, the County, in formulating its budget, cannot count on the use of Asset Forfeiture money. Once a particular account is budgeted and overspent, then Asset Forfeiture money can be used to reimburse the County for the excesses in the budget line. But the County cannot, in formulating let's say the '06 budget, take into consideration that they're going to get a contribution from the District Attorney's Office, that is not permitted.

So in other words, there has to be a normal budgeting process engaged in by the County and at the close of business in a fiscal year, which is what we did with 2004, in January when we found out how extensive the overtime excesses were for our particular Detectives, that's when we reached out to the Justice Department and sought permission to do this reimbursement.

LEG. O'LEARY:

And just to reaffirm that, you did query the Feds and they indicated this is the appropriate use

of these monies.

MR. KEARON:

Yes.

LEG. O'LEARY:

All right, thank you.

LEG. CARACCILOLO:

I have one question.

CHAIRPERSON CARPENTER:

I would just ask Budget Review if you concur with this whole overview situation.

MS. VIZZINI:

Yes, the rule of thumb is you cannot supplant but you can supplement. In this case we were paying the overtime, it was over expended and this supplements that.

CHAIRPERSON CARPENTER:

Okay, thank you. Legislator Caracciolo.

LEG. CARACCILOLO:

Yeah, that was the testimony we heard earlier in the previous committee meeting. The question I have, is there a concurrent resolution to •• you may not know this, Bob. But is there a concurrent resolution coming from the Police Department or the County Executive's Office to transfer this money into the General Fund?

MR. KEARON:

I think this resolution covers that.

LEG. CARACCILOLO:

It does both?

MR. KEARON:

Yes.

LEG. CARACCILO:

It does both, okay. And why the General Fund, not the Police District?

MS. VIZZINI:

The Detectives work out of the General Fund.

LEG. CARACCILO:

Ah, remember that, Mr. O'Leary. Thank you.

CHAIRPERSON CARPENTER:

Okay. Do we have a motion?

LEG. LINDSAY:

Motion.

CHAIRPERSON CARPENTER:

Motion by Legislator Lindsay.

LEG. O'LEARY:

Second.

CHAIRPERSON CARPENTER:

Second by Legislator O'Leary. All those in favor? Opposed? **1493 is approved (VOTE: 7•0•0 •1 Not Present: Legislator Mystal).**

1496•05 • Accepting and appropriating 100% grant funds received from the New York State Division of Criminal Justice Services under project Safe Neighborhood Program (County Executive). I'll make a motion to approve and put on the consent calendar.

LEG. O'LEARY:

Second.

CHAIRPERSON CARPENTER:

Second by Legislator O'Leary. All those in favor? Opposed?

Approved and placed on the consent calendar (VOTE: 7•0•0•1 Not Present: Legislator Mystal).

1498•05 • Accepting and appropriating 100% additional Federal pass•thru grant funds from the New York State Division of Criminal Justice Services to the Suffolk County Police Department and District Attorney's Office for the STOP Violence Against Women Program (County Executive). Same motion, same second, again, to put on the consent calendar. All those in favor? Opposed? ***The resolution is approved and placed on the consent calendar (VOTE: 7•0•0•1 Not Present: Legislator Mystal).***

1505•05 • Transferring and appropriating funds from the 1% Bail Fee Account into the Department of Probation to enhance an Alternative to Incarceration Program and reduce jail overcrowding (County Executive).

LEG. LINDSAY:

Motion.

CHAIRPERSON CARPENTER:

Motion by Legislator Lindsay.

LEG. BISHOP:

Second.

CHAIRPERSON CARPENTER:

Second by Legislator Bishop.

LEG. O'LEARY:

Explanation.

CHAIRPERSON CARPENTER:

If you would, Budget Review, or Counsel, whomever wishes, give us an overview of this, please.

MS. KNAPP:

I'll start and I guess Budget Review will correct me if I'm wrong. This is a County Executive resolution to appropriate \$17,778 from the Bail Fee Account, they're going to use it for 10 electronic monitoring units, 10 sobriety units and an additional laptop; it seems like a lot.

DIRECTOR DESMOND:

We're getting our money's worth. This is just a supplemental to continue using the equipment that we currently have while we're developing the active GPS. There's a certain amount of wastage in the equipment as time goes on and this should carry us through until we get the new program going; please, God.

CHAIRPERSON CARPENTER:

Okay, thank you very much, Mr. Desmond. Okay, we have a motion and a second. All those in favor? Opposed? ***The resolution is approved***
(VOTE: 7•0•0•1 Not Present: Legislator Mystal).

1550•05 • Approving a Memorandum of Understanding between the County of Suffolk and the American Red Cross establishing a cooperative relationship for the North Amityville Weed and Seed Program and accepting and appropriating \$63,813 in sub
•granted funds from the U.S. Department of Justice with 83.13% support (County Executive).

We have a motion.

LEG. O'LEARY:

Second.

CHAIRPERSON CARPENTER:

And a second. I don't know if that's •• oh, no, it is not a hundred percent. Okay, so we have a motion and a second to approve. All those in favor? Opposed? ***The resolution is approved***
(VOTE: 7•0•0•1 Not Present: Legislator Mystal).

1551•05 • Accepting and appropriating a grant in the amount of \$700,000 from the New York State Department of Transportation for the LIE/HOV Enforcement Program in Suffolk County with 100% support (County Executive). I will make that motion to

approve ••

LEG. O'LEARY:

Second.

LEG. LINDSAY:

Second.

CHAIRPERSON CARPENTER:

•• and put on the consent calendar, second by Legislator Lindsay. All those in favor? Opposed?
The resolution is approved and placed on the consent calendar (VOTE: 7•0•0•1 Not Present: Legislator Mystal).

1552•05 • Accepting and appropriating a grant in the amount of \$900,000 from the New York State Division of Criminal Justice Services for the Suffolk County Police Department's Operation Hot Wheels Program with 100% support (County Executive).
Same motion, same second, it's another 100% grant. ***Approved and placed on the consent calendar (VOTE: 7•0•0•1 Not Present: Legislator Mystal).***

Okay, that takes us to ***1553•05 • Accepting and appropriating a grant in the amount of \$312,182 from the United States Department of Justice, Bureau of Justice, Assistance for the Suffolk County Police Department to participate in a Human Trafficking Task Force with 75% support (County Executive).*** Is there a motion?

LEG. LINDSAY:

Motion.

CHAIRPERSON CARPENTER:

Motion by Legislator Lindsay.

LEG. LOSQUADRO:

Second.

CHAIRPERSON CARPENTER:

Second by Legislator Losquadro. On the motion?

LEG. O'LEARY:

On the motion, can I have an explanation what the Human Trafficking Task Force is?

LEG. BISHOP:

Yeah.

LEG. O'LEARY:

Trafficking humans?

CHAIRPERSON CARPENTER:

We have someone here who wishes to address us on the grant.

MS. KNAPP:

It's the immigrant population.

CHAIRPERSON CARPENTER:

Hi, how are you? If you would, just give ••

DEPUTY INSPECTOR STALLONE:

Deputy Inspector Frank Stallone, Commanding Officer of the Precinct Detective Bureau. We're also responsible for the Kidnap Investigation Team who over the past few years have had a number of cases in which we found that human trafficking is evident in Suffolk County and United States in general. We heard about this grant through the Department of Justice and applied for it and received it.

Through the grant, we intend to train our officers, our patrol force and our Detectives to recognize cases in which human trafficking may be evident. We're going to be targeting mostly the sex industry, gasoline industry, any types of industries which are involved with immigrants and human trafficking may be evident.

LEG. O'LEARY:

So this is an immigrant issue. That's the •• you know, taking individuals from foreign countries, bringing them into this country for purposes of exploitation.

DEPUTY INSPECTOR STALLONE:

Yes, sir.

MS. VIZZINI:

Madam Chair?

CHAIRPERSON CARPENTER:

Where are we? Oh, okay; sorry, Gail.

MS. VIZZINI:

Before you call the vote, just pointing out a technical problem, the resolution accepts 312,182 in revenue but appropriates 360,225, there seems to be a difference and there shouldn't be.

CHAIRPERSON CARPENTER:

Okay.

LEG. BISHOP:

Motion to discharge without recommendation.

CHAIRPERSON CARPENTER:

Yeah, why don't we do that? I have a motion to discharge without recommendation, I'll second that, and hopefully that can be adjusted before Tuesday's meeting. Any other questions?

LEG. LOSQUADRO:

It's a 75% grant.

LEG. CARACCILOLO:

It's right.

LEG. LINDSAY:

It's appropriating more than you're accepting because it's only 75%.

CHAIRPERSON CARPENTER:

Well, why don't we just leave it as a discharge without recommendation. All those in favor? Opposed? ***The motion to discharge has been approved and you can resolve that by Tuesday (VOTE: 7•0•0•1 Not Present: Legislator Mystal).***

IR 1561•05 • Designation of the National Incident Management System (NIMS) as the basis for all incident management in the County of Suffolk (County Executive).

Joe, if you would just come forward and give us a brief description of what this actually means.

COMMISSIONER WILLIAMS:

Good morning. Basically after the 9/11 incident, what the Federal government did, they actually accepted this National Incident Management System; it's to manage large incidences, agencies working together. What they've done, they passed a law last year that we all have to accept it otherwise it's tied to our Federal grants; if we don't accept it as our standard, we bar ourselves from Federal grants in the future.

LEG. LOSQUADRO:

(Inaudible).

CHAIRPERSON CARPENTER:

Okay, we have a motion to approve and a second; motion by Legislator Lindsay, second by Legislator Losquadro. All those in favor? Opposed? ***It is approved (VOTE: 7•0•0•1 Not Present: Legislator Mystal).*** Tell them in Washington we've approved it.

1570•05 • Naming the Media Room in the H. Lee Dennison Building the "Heidi Behr & William A. Stone Media Room" (Caracciolo). Legislator Caracciolo, perhaps you want to make that motion, I'd be honored to make the second. And just in case anyone doesn't recognize the names ••

LEG. BISHOP:

Can I ••

LEG. CARACCILOLO:

Thank you, Madam Chair. I would just note for my colleagues that this resolution came to pass

as a result of the recent tragedy that took the lives of two young, very young emergency medical technicians while transporting a heart attack victim to Central Suffolk Hospital in Aquebogue. And immediately after that tragedy, at the funeral services and then subsequently by telephone, I spoke with Commissioner Williams about an appropriate memorial in their memory and really something that would be dedicated not just to the two of them being taken away from us at a young age but also all of those who serve as emergency medical technicians and our many volunteer forces. The Commissioner recommend that we name the Media Center in the H. Lee Dennison Building. I had thought initially that perhaps a more appropriate •• not more appropriate, but an appropriate location could be found at FRES and the Commissioner felt that this is where their training takes place in Dennison and that's where the memorial in their memory should be dedicated. Commissioner, would you like to add anything to that.

COMMISSIONER WILLIAMS:

When we first were approached on this, we looked at the FRES building out in Suffolk County, we wanted to get maybe into that. But we realized that there is no EMS real training going on at the FRES building, that would be our fist choice. We looked at the Fire Academy, it was the same thing. The other training that goes on in the County EMS side is out in Riverhead at the college. We looked •• we asked Dr. Alicandro about that, there is no specific classroom section that is set aside for EMS, they use different classrooms.

The reason why we looked at the Media Room was because I know we •• I attended •• there's REMSCo meetings held, I've been there for EMS awards, there are some classes there. They did have another option of what they call a classroom area, but what it is is just a large room that's divided. So my recommendation was that this room is visited by so many people even outside the EMS community which would be reminded of the loss that Suffolk County had.

LEG. CARACCILO:

Thank you, Commissioner.

CHAIRPERSON CARPENTER:

Thank you. And thank you for your work on this and if there is going to be a ceremony, I'd ask that you notify the members at least of the Public Safety Committee.

COMMISSIONER WILLIAMS:

Yes, I will.

LEG. LINDSAY:

Could I just make a comment?

CHAIRPERSON CARPENTER:

Certainly, Legislator Lindsay.

LEG. LINDSAY:

I don't certainly object to this, it's just a shame that we couldn't find a place on the eastern end of Long Island where these two volunteers served. I would think it would be much more appropriate than in Hauppauge.

LEG. CARACCILO:

Well, we looked and we considered, as the Commissioner said, the eastern campus, but it really wasn't deemed appropriate.

LEG. LINDSAY:

And there's nothing in the Riverhead Center that would fit?

LEG. CARACCILO:

No, they don't train at all at the County Center in Riverhead.

LEG. LINDSAY:

Okay.

LEG. CARACCILO:

Correct, Commissioner?

COMMISSIONER WILLIAMS:

As far as I'm told and as far as talking to people in EMS, no, that's the only area we have. Again, a hundred percent, we thought about trying to put it locally, I know they may be doing some type of monument for themselves out there, we thought about putting it at Riverhead Ambulance, but then you had a member of CI•Hauppauge Ambulance involved in it, too. And

it's like we said, this was the only location at least I could think of in talking with other people, in talking with the Legislator about where we could put this.

LEG. CARACCILO:

Correct. And as I understand it, the parents of Mr. Stone live in Legislator Vilorio•Fisher's district and he was employed by the Central Islip Ambulance Corps, so it's really a County•wide memorial.

CHAIRPERSON CARPENTER:

And I think, too, it serves, as I think was stated earlier, as a reminder to everyone that enters that building, to members of the general public how much we cherish our volunteers and recognize their efforts. Legislator Bishop.

LEG. BISHOP:

And my comments certainly have no disrespect to Legislator Caracciolo or Heidi Behr or William Stone. I just think that in general we need to have some sort of naming commission in this County, because the way that we're naming facilities is not •• I don't know if it's not •• it's not optimum efficiency. You know, just asking one person, Commissioner Williams, a very good person, what do you think, what should we do is probably not the way we should do it in the future. What we need to do is perhaps have some sort of cross•section of the County that can contemplate the people who we are honoring, you know, what would be the appropriate facility for •• facility, okay, facility or item that we would be naming for them. Are we coordinating different levels of government, are we naming •• you know, are we rationale? There's a lot of irrationality to the process, not in this one in particular, just in general. You know, it's something that I think other governments around the country have, they have naming commissions, perhaps it's time that Suffolk County had one.

CHAIRPERSON CARPENTER:

Okay, thank you for your comments. Legislator Fisher.

LEG. VILORIO•FISHER:

Thank you, Madam Chair. I'm not a member of the committee but I do have a question for Legislator Bishop or perhaps yourself. Would this be an appropriate question to put before the Space Committee in the future?

CHAIRPERSON CARPENTER:

I guess we'd have to look at the charge of that committee and certainly it could be expanded to include something like this. But we'll have to discuss it, but your points are very well taken.

Okay, we had a motion and a second. All those in favor? Opposed?

The resolution is approved (VOTE: 7•0•0•1 Not Present: Legislator Mystal).

1576•05 • Appointing members to the Suffolk County Traffic Safety Board (Presiding Officer Caracappa). We heard from the Chair of the committee earlier. I'll make that motion, second by Legislator O'Leary. All those in favor? Opposed? ***The resolution is approved (VOTE: 7•0•0•1 Not Present: Legislator Mystal).***

IR 1583•05 • Adopting Local Law No. 2005, a Local Law strengthening the procedures and remedies of the Suffolk County Human Rights Commission (Mystal). We had that hearing earlier, it's been recessed so we will table that.

LEG. O'LEARY:

Motion to table.

CHAIRPERSON CARPENTER:

Table by Legislator O'Leary, second by Legislator Nowick. All those in favor? Opposed? ***The resolution is tabled (VOTE: 7•0•0•1 Not Present: Legislator Mystal).***

1587•05 • Appropriating funds in connection with the Fiber Optic Cable Backbone Project (CP 1794)(County Executive).

LEG. LINDSAY:

Motion.

LEG. O'LEARY:

Second.

LEG. BISHOP:

Explanation.

CHAIRPERSON CARPENTER:

Yes. Jim?

MR. SPERO:

Madam chair, just to let the committee know, IR's 1587, 88, 94 and 95, they're all pay•as•you•go projects and they're being proposed for bonding.

LEG. CARACCILO:

By the County Executive?

MR. SPERO:

Yes, they all have a five year life.

CHAIRPERSON CARPENTER:

Okay. Well, I know that there are gentlemen here from IS, I guess, IT, whatever. Bob, do you want to come forward? Maybe you can just speak to what these four projects are and then we can mull over the impact of the fact that this is bonding as versus pay•as•you•go.

MR. DONNELLY:

Good morning. I'm Robert Donnelly, Director of Information Services. Ray, please?

MR. GONTASZ:

Good morning, I'm Ray Gontasz ••

LEG. LOSQUADRO:

I don't think that mike is on.

CHAIRPERSON CARPENTER:

You're going to have to turn that mike on, please, sir.

LEG. LOSQUADRO:

The top button.

MR. GONTASZ:

I'm sorry. Raymond Gontasz, Project Leader, Information Services.

MR. DONNELLY:

I will •• and first of all, let me thank the members of the committee for this opportunity to appear here this morning. I will speak to the first two, 1587 is really the continuation of an ongoing effort that IS has embarked on over the past five or six years. Every time there is a need for fiber cabling at any County campus because of a renovation or construction of new buildings or the need for additional bandwidth, we do it with a Capital Project. The current Capital Project which I think is 1726 has, for all practical purposes, spent all its money down, we're looking to continue with exactly the same method of operation. Rather than come back and keep asking for little pieces of money, we lump it all up and this will carry us forward for at least two years. Are there any questions?

CHAIRPERSON CARPENTER:

And the amount of this particular one was 250,000 was the fiber cabling, the fiber optic cable.

MR. DONNELLY:

This one is for 250,000, that's correct. A major component on this one will be the completion of the fiber cabling at the Yaphank Complex.

LEG. BISHOP:

Fiber cabling doesn't last more than five years?

MR. DONNELLY:

Oh, it certainly •• this is easily 30 year cable.

MR. SPERO:

Yeah, a Local Finance Law •• and the backup attached to the resolution also show five years ••

LEG. BISHOP:

It's categorized ••

MR. SPERO:

That's right.

LEG. BISHOP:

It's categorized as a less than five years, but in actuality it's more than five years.

MR. SPERO:

That's right.

CHAIRPERSON CARPENTER:

And what is the length of time that the County Executive is proposing to bond this for?

MR. SPERO:

Five years.

CHAIRPERSON CARPENTER:

Five years.

MR. SPERO:

You can only bond for a period of time approved by Bond Counsel.

CHAIRPERSON CARPENTER:

Right.

LEG. BISHOP:

Right. But the 5•25•5, while it will be informed by the bonding period, what the five years refers to is the life of the project, not the length of the bond. I mean, it's not like we're going to go out and get new cable in the next five years.

MR. SPERO:

That's the life of the project pursuant to the Local Finance Law.

LEG. BISHOP:

But it's not the life of the project pursuant to reality, it's going to be •• that cable is going to be there a long time.

MR. SPERO:

Well, in that case we can bond buildings for 50 years or 100 years. I mean, the Local Finance Law forms the basis for what the use•for•life of a project is and that forms the basis for what is considered a five year life for the pay•as•you•go program.

LEG. BISHOP:

But pay as •• right, that's the bonding rules.

MR. SPERO:

In other words, we're not making ••

LEG. BISHOP:

But the pay•as•you•go law that I was the sponsor and author of was about reoccurring expenses; this is not a reoccurring expense, this is not going to come up in the next five years.

MR. SPERO:

It's reoccurring, that's one of the criteria, recurring project.

LEG. BISHOP:

Or a life of less than five years.

MR. SPERO:

Five years or less.

LEG. BISHOP:

Right.

MR. SPERO:

So the project has ••

LEG. BISHOP:

The bond is five years or less but the life is going to be greater than five years.

MR. SPERO:

But rather than use some arbitrary rule of thumb saying, well, how long can a cable last, the Local Finance Law, working in conjunction with Bond Counsel, tells us the project has a five year life.

LEG. CARACCIOLO:

Madam Chair?

LEG. BISHOP:

No, I'm not getting through.

CHAIRPERSON CARPENTER:

Legislator Caracciolo. Are you done, Legislator Bishop?

LEG. BISHOP:

I don't have to because he's retiring.

CHAIRPERSON CARPENTER:

Legislator Caracciolo.

LEG. CARACCIOLO:

Okay. Counsel, what guides the Legislature with respect to these resolutions and the life expectancy of a project, the Finance Law or the local pay•as•you•go law?

MS. KNAPP:

Well, we've suspended pay•as•you•go for this year.

LEG. CARACCIOLO:

Right.

MS. KNAPP:

I think that the discussion that was just engaged in, and I think what Mr. Spero was saying, is that the term ••

LEG. BISHOP:

We reinstated pay•as•you•go, we suspended it last year.

MS. KNAPP:

2004•2005.

LEG. CARACCILOLO:

Two years.

LEG. BISHOP:

But we funded it so it's optional.

CHAIRPERSON CARPENTER:

Legislator Bishop, let her finish.

MS. KNAPP:

It's clearly optional, yes. Oh, it's entirely optional for this Legislature, right. It would be •• if we hadn't suspended it, it would be mandatory, right.

I believe that the Local Finance Law, and I believe what Mr. Spero was trying to say, is that there is a tie between the life assigned under the Local Finance Law and reality. However, as Legislator Bishop was saying, that this fiber optic cable may be functional for more than five years. The Local Finance Law takes the position that improvements that are •• that are as technology dependent as this are cannot be depended upon to have a use for life of ••

LEG. CARACCILOLO:

I understood that exchange. What my question is, what guides the Legislature in passing judgment on resolutions as to whether or not they should be pay•as•you•go or bonded resolutions, Bond Counsel recognizing that this is a pay•as•you•go project or otherwise?

MS. KNAPP:

To the extent that the policy considerations are guided •• they are guided by the Local Law.

LEG. CARACCILOLO:

Right.

MS. KNAPP:

However, the Local Finance Law tells us exactly how long we can issue a bond for.

LEG. CARACCILOLO:

So, in effect, if the Legislature wanted to approve this as a pay•as•you go project, are we precluded from doing so by virtue of the fact that the Local Finance Law identifies this as a five year project?

MS. KNAPP:

Are we precluded from it? No, I don't believe we are.

LEG. CARACCILOLO:

Okay, so we have the option.

MS. KNAPP:

Yes.

LEG. CARACCILOLO:

Okay. Then my next question would be is there some inconsistency with this presentation by the Executive when he has argued against other similar resolutions to use pay•as•you•go funds?

LEG. BISHOP:

No, he's consistently ••

LEG. CARACCILOLO:

Well, let me have Jim answer that.

LEG. BISHOP:

He's consistently wrong; you'll like my answer, but ••

CHAIRPERSON CARPENTER:

But we're going to let Budget Review answer because that's who the Legislator asked the question to.

MR. SPERO:

The point is that we have budgeted pay•as•you•go funds in the Operating Budget and we're not using them. We're preferring to bond the five year projects instead of using the pay•as•you•go money that's in the budget ••

LEG. CARACCILO:

So Legislators that vote for these resolutions ••

MR. SPERO:

And there's a resolution on to use the pay•as•you•go money to fund the excess snow removal costs. So, I mean, these •• yes, it's your •• it's the Legislature's option how it wants to finance the project, but I'm just informing you that this is the direction the County is going. We have pay•as•you•go money in the budget and we still continue to choose to borrow.

LEG. CARACCILO:

And it costs more money when we bond, correct? It costs us more money when we bond. So if you're an advocate of spending more rather than less, you'll vote for resolutions that bond when you should be supporting resolutions that pay for it as a pay•as•you•go project, correct?

LEG. BISHOP:

That's generally right.

LEG. CARACCILO:

Yeah, okay.

CHAIRPERSON CARPENTER:

Okay. But we also know that we need to get a number of votes to get something passed and we need to take care of our technology needs, so I just want everyone to keep that in mind. On this particular resolution •• well, Mr. Donnelly you were describing •• I asked you just to take all four of them and describe what they represent.

MR. DONNELLY:

Thank you, Madam Chair. I will do the first two but ••

CHAIRPERSON CARPENTER:

Okay.

MR. DONNELLY:

•• the last two are Probation and Police.

CHAIRPERSON CARPENTER:

Okay, fine.

MR. DONNELLY:

The second one of interest to Information Services is 1588 and that's appropriating monies for acquisition of hardware associated with our Treasurer's Tax History System. The system itself is six years old. It's the only platform that we continue to maintain with IBM equipment and IBM software, we have successfully migrated all of the other County systems to a Windows platform. We're locked up now with one person really knowing that system, inability or at least real difficulty in replacing equipment as it starts to get itself in trouble or go bad. This is a real winner for us. It standardizes our platforms on fewer and fewer things, our training efforts start to pay off and it keeps the Treasurer's system running again.

CHAIRPERSON CARPENTER:

Okay. So we'll address these two resolutions and then we'll have ••

LEG. BISHOP:

Well, can we ••

CHAIRPERSON CARPENTER:

I'm sorry.

LEG. BISHOP:

I'm sorry. Can I ask Mr. Spero to put this through the prism of 5•25•5? Is it more than five years, is it more than five items, 25 in the aggregate?

MR. SPERO:

It has to be unit cost of \$5,000.

CHAIRPERSON CARPENTER:

It's 75.

LEG. BISHOP:

It's 75.

MR. SPERO:

The total project cost has to be at least 25,000 and has to have a five year •• to be bonded it has to have a life greater than five years.

LEG. BISHOP:

All right.

MR. DONNELLY:

We are painfully aware of that requirement at Information Services and both of these projects do meet the 5•25•5 rule.

CHAIRPERSON CARPENTER:

Okay. Did we all hear that? If you want to just repeat that.

MR. DONNELLY:

We are aware of that requirement at Information Services. And both of these projects, all of our Capital Projects meet the 5•25•5 rule, we're scrupulous about vetting them before we bring them here.

CHAIRPERSON CARPENTER:

Okay, thank you. On 1583, are there any other questions? Do we have motion?

LEG. LOSQUADRO:

Eight•seven.

CHAIRPERSON CARPENTER:

Eighty•seven, I'm sorry.

LEG. LINDSAY:

Yeah.

CHAIRPERSON CARPENTER:

Legislator Lindsay.

LEG. LINDSAY:

No, no, we're on 87, not 83.

CHAIRPERSON CARPENTER:

Right, on 87. So do we have a motion on 87?

LEG. LINDSAY:

Motion.

CHAIRPERSON CARPENTER:

Motion by Legislator Lindsay. Second by •• is there a second?

LEG. BISHOP:

I'll second that one.

CHAIRPERSON CARPENTER:

Second by Legislator Bishop. All those in favor? Opposed?

LEG. CARACCILO:

Abstain.

CHAIRPERSON CARPENTER:

We have one abstention.

LEG. O'LEARY:

Two abstentions.

LEG. NOWICK:

Abstain.

CHAIRPERSON CARPENTER:

Three abstentions. I'll make a motion to table before that vote is called.

LEG. O'LEARY:

Second.

CHAIRPERSON CARPENTER:

All those in favor?

LEG. BISHOP:

You've got 4•3 if you want it.

CHAIRPERSON CARPENTER:

But there are eight on this committee. So we have a motion and a second to table. ***The resolution is tabled (VOTE: 7•0•0•1 Not Present: Legislator Mystal).***

IR 1588•05 • Appropriating funds in connection with the acquisition of a Tax History System (CP 1792)(County Executive). Is there a motion?

LEG. LINDSAY:

I'll make a motion.

CHAIRPERSON CARPENTER:

Motion by Legislator Lindsay, second by Legislator Bishop. All those in favor? Opposed?

LEG. BISHOP:

I'm opposed, actually.

LEG. CARACCILO:

Abstain.

CHAIRPERSON CARPENTER:

We have one abstention.

LEG. O'LEARY:

Two abstentions.

CHAIRPERSON CARPENTER:

Two abstentions.

LEG. NOWICK:

Abstain.

CHAIRPERSON CARPENTER:

Three abstentions. I'll make a motion to table.

LEG. O'LEARY:

Second.

LEG. BISHOP:

I'll support the tabling.

CHAIRPERSON CARPENTER:

Second on the tabling. All those in favor? Opposed? ***The resolution is tabled (VOTE: 7•0•0 •1 Not Present: Legislator Mystal).***

1594 •• all right, so on these two resolutions I would suggest, gentlemen, that you speak to your Budget Office and Budget Review and see if we can get the resolutions redrawn with using pay•as•you•go. By the way, Budget Review, how much is in pay•as•you•go?

MR. SPERO:

I think we budgeted about 11.6 million; I haven't checked the current balance but it's

substantial.

CHAIRPERSON CARPENTER:

Okay. So I think we can cover 250 and 75, I think the money is there.

MR. DONNELLY:

Thank you all for your consideration and guidance.

MR. GANTASZ:

Thank you.

CHAIRPERSON CARPENTER:

Okay, thank you very much.

1594•05 • Appropriating funds in connection with the Probation Officer Remote Access System (CP 3048)(County Executive). This is a Probation Officer Remote Access System. The amount of this project is ••

LEG. O'LEARY:

One fifty•eight five hundred.

CHAIRPERSON CARPENTER:

•• 158. I guess, Budget Review, we have the same. John, I'm sorry. Give us a brief ••

LEG. BISHOP:

Five thousand and 25,000 aggregate?

DIRECTOR DESMOND:

It's for service and storage for each of our five officers. All the Probation Officers have been issued laptops that they use in the field and this will allow them to communicate with the officers, transfer information wirelessly; same situation.

CHAIRPERSON CARPENTER:

Okay. Budget Review, pay•as•you•go. All right, do we have a motion?

LEG. BISHOP:

Pay•as•you•go. Motion to table.

CHAIRPERSON CARPENTER:

We have a motion to table.

LEG. O'LEARY:

Second.

CHAIRPERSON CARPENTER:

Second by Legislator O'Leary. All those in favor? Opposed?

The resolution is tabled (VOTE: 7•0•0•1 Not Present: Legislator Mystal).

Again, John, I would suggest the same to you, that we get another resolution drafted.

DIRECTOR DESMOND:

I appreciate it. Thank you.

CHAIRPERSON CARPENTER:

And if there's, you know, an issue with the County Executive doing that, I'm sure that someone in the Legislature would be happy to do so, if it's appropriate for us to do so; we can, right? Yeah? Okay, we'll do that.

1595•05 • Appropriating funds in connection with the purchase of additional data storage for the Police Department (CP 3236)(County Executive).

LEG. O'LEARY:

Motion to table.

CHAIRPERSON CARPENTER:

Motion to table. And I believe this resolution was for \$30,000, so. Motion and a second to table. All those in favor? Opposed? ***The resolution is tabled (VOTE: 7•0•0•1 Not Present: Legislator Mystal).***

SENSE RESOLUTIONS

That takes us to ***Sense 31 • 2005 • Sense of the Legislature Resolution urging Federal, State and local officials to uphold civil rights and liberties (Viloria • Fisher)***. Is there a motion?

LEG. LINDSAY:

I'll make a motion.

CHAIRPERSON CARPENTER:

Motion by Legislator Lindsay.

LEG. BISHOP:

Second.

CHAIRPERSON CARPENTER:

Second by Legislator Bishop. All those in favor?

LEG. VILORIA • FISHER:

On the motion, Madam Chair?

CHAIRPERSON CARPENTER:

Yes.

LEG. VILORIA • FISHER:

That's why I've come to visit the committee. As some of you who served on the committee last year as well might remember, I did initially introduce this Sense Resolution about a year•and•a •half ago. And at that time there were some problems with it because we were in the middle of a Presidential Election and it was seen as possibly a partisan resolution. However, the nonpartisan, nationwide movement opposing the proposal to lift the sunset clause of the Patriot Act and to revisit and restrict the entire concept has reached a number of 375 local municipalities and seven states. Travis, can you give the members that list, please? As I said, when I originally introduced the resolution, it was thought that it might be partisan. However, I would like to just read a quote that you might •• that the committee might find of interest.

CHAIRPERSON CARPENTER:

Go ahead.

LEG. VILORIA • FISHER:

Okay, I'm getting to the quote. This is a quote by Representative James Sensenbrenner who is the Chair of the House Judiciary Committee, where he says, "The Justice Department has gone too far. Without •• we can have security without throwing respect for civil liberties into the trash heap. We don't have to go back to the bad old days when the FBI was spying on people like Martin Luther King." At the time that I had originally introduced this legislation, there was someone in the committee at that time who scoffed at the Martin Luther King quote in the eighth WHEREAS of the resolution and this is, as I said, the Chair of the House Judiciary Committee who also pointed that out.

Also, since my original introduction of this Sense Resolution, other states have come on board with State resolutions opposing many portions of the Patriot Act, including Montana, Idaho and Alaska which some may call red states.

Congressmen Otter has stated, and I have a quote from him which is very interesting where he says •• he's the representative from Idaho, one of the states that has recently adopted the resolution; "You cannot give up freedom, you cannot give up liberty and be safe. When your freedom is lost, it makes no difference who took it away from you. The terrorists have won. What did they want to do? Take away our freedom. They've won in some cases," and that's the representative from Idaho. He goes on to state, "I think law enforcement officials are trampling" •• I'm sorry. I have a lot of quotes, so I don't want to confuse them.

CHAIRPERSON CARPENTER:

Yeah, and I think we have copies of them, too, so.

LEG. VILORIA • FISHER:

Okay. But there are very important issues that are being raised in the legislation. I overheard someone saying, "This is kind of a complicated piece of legislation"; it's actually very straightforward when you think in terms of Constitutional rights and the need to be certain that we are protecting our Constitutional rights. Again, by Congressman Otter who says, "I think law enforcement officials are trampling on our rights and they are doing it in the name of trying

to protect us from domestic terrorism."

Alaska is another state which has recently come •• passed a resolution. And the representative of that State, Congressman Don King, stated •• and this is something to which one of our earlier speakers referred, that this was passed in haste. Representative King says, "Everyone voted for it, but it was stupid. It was what you call emotional voting because we didn't follow it through, we didn't study it. I say it's the worst piece of legislation we've ever passed." He again stated, and I have another quote from him, "I think the Patriot Act was not really thought out. I'm very concerned that in our desire for security and our enthusiasm for pursuing supposedly terrorists, that sometimes we might be on the verge of giving up the freedoms which we are trying to protect." And then in his support as a cosponsor, "Legislation that prevents Judges from issuing warrants to search library records," and that was something which one of our speakers brought up, he says, "We must personally protect the rights of anyone who goes into a library from having Judges issue warrants to search library and book store records."

You can read through this and see that there are many members of Congress who have opposed many areas and portions of the Patriot Act who are in support of the support of our Constitution. And by the way, the library referral comes up in the sixth RESOLVED of this legislation. Although it's a complex piece of legislation, almost every one of the items that are listed in it, you can find Congressional support of the Constitutional liberties that are protected by the areas to which my Sense Resolution refers.

It's been a long day, I have been a long time and I know that the members of the committee have been very patient. And as a non•member. I do want to say that there are some •• I'll just read you another quote which sums it up. And this is from Robert Levy, a Senior Fellow at the Cato Institute who says, "If you think the Bill of Rights is just so much scrap paper and the Separation of Powers Doctrine has outlived its usefulness, then the USA Patriot Act, passed overwhelmingly October 25th, 2001, is the right recipe to deal with terrorists. On the other hand, if you are concerned about Fifth Amendment protection of due process and Fourth Amendment safeguards against unreasonable searches and seizures, then you should be deeply troubled by the looming sacrifice of civil liberties at the alter of national security."

I have reintroduced this Sense Resolution twice because I believe that it protects the freedoms that all of us celebrated yesterday when we spoke about our heroes on Memorial Day who have died to protect those freedoms. We can't give up our constitutional freedoms because of fear.

We need to protect our safety and at the same time protect our freedoms. And so I ask that you consider this very carefully, pass it out of committee and let it go to the full Legislature for a vote. Thank you.

CHAIRPERSON CARPENTER:

Okay. We have a motion and a second. All those in favor?

LEG. CARACCIOLO:

On the motion.

CHAIRPERSON CARPENTER:

On the motion, Legislator Caracciolo.

LEG. CARACCIOLO:

This is a motion to approve?

LEG. VILORIA • FISHER:

Yes.

CHAIRPERSON CARPENTER:

Yeah, there's a motion and a second.

LEG. CARACCIOLO:

I will make a motion to table.

CHAIRPERSON CARPENTER:

We have a motion to table. Is there a second?

LEG. O'LEARY:

Second.

CHAIRPERSON CARPENTER:

Second to table. The tabling motion takes precedence. All those in favor of tabling?

Opposed?

LEG. LOSQUADRO:

Opposed.

LEG. LINDSAY:

Opposed.

CHAIRPERSON CARPENTER:

We have two opposed.

LEG. BISHOP:

I'm in favor of tabling.

CHAIRPERSON CARPENTER:

In favor of tabling. All right, so we have two opposed to tabling, ***the resolution to table is approved (VOTE: 5•2•0•0 Opposed: Legislators Losquadro & Lindsay).***

LEG. VILORIA•FISHER:

Well, I'm hoping ••

CHAIRPERSON CARPENTER:

That takes us to Sense 45•2005.

LEG. VILORIA•FISHER:

Just one •• I'm just hoping that we will be able to •• when you have studied the materials that we've given you and had another look at it, I'm hoping that we can pass this out of committee.

CHAIRPERSON CARPENTER:

All right, thank you, Legislator Fisher. I know that unlike other Sense Resolutions, this one is quite lengthy, there are 14 RESOLVED clauses and an awful lot of information to digest. So thank you for coming down.

And we go to ***Sense 45•2005 • Memorializing Resolution in support of State legislation (A07688) to provide increased benefits to volunteer firefighters and volunteer ambulance workers (Caracciolo).*** Motion by Legislator Caracciolo, second by Legislator

Lindsay. All those in favor? Opposed? ***The resolution is approved (VOTE: 7•0•0•1 Not Present: Legislator Mystal).***

HOME RULE MESSAGES

Home Rule Message No. 3•2005 • Home Rule Message requesting New York State Legislature to allow Suffolk County to install and operate Red Light Camera Program (Assembly Bill A3393) (Lindsay). Motion by Legislator Lindsay, second by myself. All those in favor?

LEG. CARACCILO:

Opposed.

CHAIRPERSON CARPENTER:

Opposed? One opposed, ***the resolution is approved (VOTE: 6•1•0•1 Opposed: Legislator Caracciolo • Not Present: Legislator Mystal).***

Home Rule Message No. 5•2005 • Home Rule Message requesting New York State Legislature to enact the "Suffolk County Jail Construction Flexibility Act" to facilitate expedition of the new replacement correctional facility at Yaphank project and to amend the Public Authorities Law (Assembly Bill A and Senate Bill S) (County Executive).

LEG. BISHOP:

Explanation.

LEG. O'LEARY:

I have a question.

CHAIRPERSON CARPENTER:

Request for an explanation.

LEG. O'LEARY:

I have a question before ••

CHAIRMAN BINDER:

Well, all right, I'll entertain a motion. Motion by Legislator Lindsay to approve. Is there a second? For the purposes of discussion, I will second the resolution.

LEG. O'LEARY:

I have a question.

CHAIRPERSON CARPENTER:

A question by Legislator O'Leary and a request for an explanation.

LEG. O'LEARY:

As part of the explanation, Counsel, can you advise whether or not this waves the Wicks Law?

MS. KNAPP:

What this Sense Resolution does is ask the State Legislature to use the Judicial Facilities Authority which we •• Judicial Facilities Agency which we have here in Suffolk County to broaden their powers so that we can use them in order to construct the jail. And my recollection of the Judicial Facilities Agency is that they are •• that they're exempted from Wicks.

LEG. O'LEARY:

So this, in fact, would exempt Wicks if passed?

MS. KNAPP:

Well ••

LEG. O'LEARY:

In Albany, of course.

MS. KNAPP:

It would depend on the legislation that is enacted in Albany.

LEG. O'LEARY:

Yeah.

MS. KNAPP:

But certainly if it's exactly as the JFA is now, it should wave Wicks, yes.

LEG. CARACCILOLO:

Counsel?

CHAIRPERSON CARPENTER:

Legislator Caracciolo.

LEG. CARACCILOLO:

Thank you, Madam Chair. Did we use JFA for the construction of the Central Islip Cohalan Court Complex?

MS. KNAPP:

Yes.

LEG. CARACCILOLO:

Was that exempt from Wicks?

MS. KNAPP:

Yes.

LEG. CARACCILOLO:

Okay, thank you.

CHAIRPERSON CARPENTER:

Legislator Bishop.

LEG. BISHOP:

Yes, good, I have two concerns. One, is it a given that exempting the Wicks Law necessarily creates a cheaper project; that's a fact that everybody here subscribes to? Because I don't necessarily subscribe to that fact, but I just want to know if that's •• you know, is there ••

CHAIRPERSON CARPENTER:

I don't know, you'd have to ask the sponsor.

LEG. BISHOP:

Is there a specific application to this project, you know, that that has been ••

CHAIRPERSON CARPENTER:

The County Exec's Office is still here. Ben, if you want to come to speak to the resolution.

MR. ZWIRN:

Yes, it is a cost saving measure. And this is how it's been done in the past, through these agencies, so to speak, and it's a way for them to not have to implement the Wicks law.

LEG. BISHOP:

What's the cost savings that's been calculated; how is it achieved?

MR. ZWIRN:

It's achieved because you don't have to go out and get subcontracts, you can have somebody •
• one person, one operation can oversee the entire project. You don't have to bid out every ••

LEG. BISHOP:

And how is that going to save money necessarily?

MR. ZWIRN:

Well, I think historically it's always saved money. I don't remember exact numbers that they said, but in this particular project I thought they saw that the savings was about \$18 million.

LEG. BISHOP:

Do you have bids that show that, that somebody says, "We'll do it for this amount with Wicks, we'll do it for that amount without Wicks"?

MR. ZWIRN:

I think as they examined the project, that was one of the reasons why they tried to get the Dormitory Authority involved in the beginning. And the reason that the Wicks Law is ••

LEG. BISHOP:

Who is they?

MR. ZWIRN:

Well, we don't get as much resistance this way is that we have a local preference, so you're getting local people, local workers to work on the project without having to go through Wicks which has arguably cost more money, historically. I mean, I know you say it hasn't, but I don't •• when I was in government it was always a formidable obstacle to do anything, you know, relatively extensively, it was just always more expensive.

LEG. BISHOP:

I would agree if there were actual bids that said with Wicks this amount, without Wicks that amount.

MR. ZWIRN:

I think they ••

LEG. BISHOP:

We don't have that.

MR. ZWIRN:

I don't have it before me.

LEG. BISHOP:

Okay.

MR. ZWIRN:

But I believe that the analysis certainly was done.

LEG. BISHOP:

Now, the JFA, while I have you here, the JFA, that's the entity that did the •• what's the last project that we had them do?

LEG. NOWICK:

Cohalan.

LEG. LINDSAY:

Cohalan Court Complex.

LEG. BISHOP:

No, Cohalan was many years ago. Didn't we just authorize them recently to do ••

LEG. NOWICK:

The one out in Riverhead?

LEG. BISHOP:

The Riverhead.

LEG. FOLEY:

Supreme Court Building.

LEG. BISHOP:

Right, that's under construction now. And as I recall in that debate, the JFA was asked who they answer to if there is a dispute between New York State and Suffolk County and they said, "We are a creature of State government, ultimately we answer to the State." Is the County Executive comfortable with that situation? I guess so, obviously.

MR. ZWIRN:

Yes.

LEG. BISHOP:

I'm certainly not since the State is, you know, consistently misrepresented and clearly has an agenda that doesn't have the County taxpayer's best interest in mind.

The last question is if the JFA is running the project, that frees up the Department of Public Works to do other projects; that's correct, right?

MR. ZWIRN:

In some sense, but the Department of Public Works will be intimately involved in this project. I

don't think that is the reason for going this route. Charlie Bartha and his department will be the ones overseeing this project, the construction.

LEG. BISHOP:

Now, whether this is good or bad it's uncertain, but it clearly provides the opportunity to have two spigots open up simultaneously. As we know from past experience, the Department of Public Works is capable of spending and managing about \$90 million worth of projects in any given year. If you take this project, the jail project, off their plate and move it to a State agency, then they would still have the ability to do \$90 million worth of projects. Now, you might want that, the 4th Precinct is, for example, one of those projects that could move forward. On the other hand, if you have two spigots flowing simultaneously, you're racking up an enormous amount of debt and it's all going to hit at the same time. So I don't know if this Legislature feels that it has the discipline, I certainly haven't seen it from their Capital Project plans to manage two spigots at the same time.

Clearly, the amount of debt that this County is going to undertake in the next few years is enormous and unprecedented. It also is going to have a tremendous impact on the General Fund. I was just talking to my •• I'm not directing this at you. I was just talking to the school administrator in my home district about his budget going down and he said, "You know, 3% of the budget next year is debt, is debt from new Capital spending that the district voters approved. And if you contemplate what's going to happen in three years to the County budget, it's going to be like 80% of your General Fund is going to be increased in debt, 90%, 100%." That's the direction you're going in and JFA, two spigots simultaneously may just add and compound the problem. That is not to say that you couldn't manage it correctly. One way you can manage it correctly is to roll back this jail project into a •• into what it originally was during the Gaffney Administration which is to repair the jail and not replace it. Thank you.

CHAIRPERSON CARPENTER:

Okay. We have a motion ••

LEG. BISHOP:

Renovate is the word I wanted to say.

CHAIRPERSON CARPENTER:

•• and a second. On the motion?

LEG. O'LEARY:

Is it a motion to approve.

CHAIRPERSON CARPENTER:

Yeah, motion to approve. We have a motion and a second to approve.

All those in favor? Opposed?

LEG. BISHOP:

Myself.

CHAIRPERSON CARPENTER:

One opposition, Legislator Bishop. The resolution is approved.

LEG. O'LEARY:

I'll abstain.

LEG. CARACCILOLO:

Make that two abstentions.

CHAIRPERSON CARPENTER:

Two abstentions. I'm going to abstain. I have a motion to table.

LEG. O'LEARY:

Second.

CHAIRPERSON CARPENTER:

Second by Legislator O'Leary. The resolution is tabled. All those in favor? Opposed? ***It's tabled (VOTE: 7•0•0•1 Not Present: Legislator Mystal).***

And the meeting stands adjourned.

(*The meeting was adjourned at 1:44 P.M.*)

Legislator Angie Carpenter, Chairperson
Public Safety & Public Information Committee.

_ _ • ***Denotes Spelled Phonetically***